

ABSENT: Senator Amick - 1.

**SA 1 to SB 222** was declared part of the bill.

**SB 222 w/SA 1** was now before the Senate.

Several Senators commented on the bill.

Senator Bunting requested privilege of the floor for John Walsh, representing Delaware Manufactured Homeowner Association.

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

Senator Simpson requested privilege of the floor for Richard Dillard, Senate Attorney.

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

Several Senators commented.

Roll call vote on **SB 222 w/SA 1** was taken and revealed:

YES: 15

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

NOT VOTING: Senator(s) Copeland, Simpson, Sorenson - 3.

ABSENT: Senator(s) Amick - 1.

**SB 222 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator McDowell yields to Senator Henry.

**SCR 30** was brought before the Senate for consideration on motion of Senator Henry.

**SCR 30** - URGING CONGRESS TO AMEND THE MARITIME TRANSPORTATION SECURITY ACT OF 2002 SO THAT IT IS APPLICABLE ONLY TO WORKERS WHO HAVE BEEN CONVICTED OF ACTS OF TERRORISM, SABOTAGE, OR ESPIONAGE AGAINST THE UNITED STATES.

Senators McBride and McDowell commented.

Roll call vote on **SCR 30** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, Still, Vaughn - 3

ABSENT: Senator(s) Amick, Simpson - 2

**SCR 30** was declared passed by the Senate and sent to the House for Consideration.

Senator McDowell congratulates Senator Peterson upon her birthday. The entire Senate joined in the good wishes.

Announcements and Additions were announced.

Senator McDowell requested personal privilege of the floor for the purpose of introduction of his wife, Sunee.

The Secretary announced the agenda for March 23, 2004.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
March 18, 2004**

**SB 223** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO THE ACCOUNTING AND DISTRIBUTION OF A DECEDENT'S PROPERTY. Sponsor: Sen. Vaughn; Sen. Henry & Rep. Wagner; **Judiciary**.

**SB 224** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE DELAWARE CHILD CARE ACT. Sponsor: Sen. McBride; Hudson, Sens. Marshall, Sokola, Venables; Reps. Caulk, DiPinto, Houghton, Mulrooney, Roy, Smith, Thornburg; **Executive**.

**SB 226** - AN ACT TO AMEND VOLUME 66, CHAPTER 291, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF CLAYTON, PERTAINING TO THE DUTIES OF THE COUNCIL TREASURER AND PERTAINING TO BORROWING FOR CURRENT EXPENSES. Sponsor: Sen. Vaughn; Hall-Long; **Community/County Affairs**.

**SB 227** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO APPEALS TO THE STATE BOARD OF EDUCATION FROM DECISIONS OF LOCAL SCHOOL BOARDS. Sponsor: Sen. Sokola; Reynolds; **Education**.

**SB 225** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE CREATION OF AN OFFICE OF ELDER ADVOCATE. Sponsor: Sen. Marshall; Blevins, Rep. Maier; Sens. Peterson & Cloutier; Reps. Ulbrich, George, Hall-Long & Viola; **Health & Social Services**.

On motion of Senator McDowell, the Senate recessed at 05:00 pm until 2:00 PM on March 23, 2004.

The Senate reconvened at 02:29 PM on March 23, 2004, with Lt. Governor Carney presiding.

The following committee report was announced:

From Insurance and Elections: **HB 272** – 4 Merits.

Senator Adams requested the privilege of the floor for the Woodbridge Elementary School Band and Carolyn Whitt, representing March for the Arts in Education. Students from Woodbridge School District were excused.

One of the students presented Senator Adams with a gift.

Senators Adams, Still and Connor commented.

Senator Connor requested privilege of the floor for Dr. Fleda Brown, of the University of Delaware. She's Delaware's Poet Laureate.

The witness was excused after addressing the Senate.

The Reading Clerk announced a message from the House informing the Senate that it had passed **HB 320; HB 304**.

Senator McDowell noted the death of Dr. William B. Keene and asked the Senate to observe a moment of silence in his memory.

At 02:59 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twelfth Legislative Day.

**12th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MARCH 23, 2004**

The Senate convened at 02:59 PM with Lt. Governor Carney presiding.

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

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

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

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

**HB 272** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 272** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE TO IMPLEMENT CODIFICATION OF INSURANCE REGULATION ACCOUNTING STANDARDS AS ADOPTED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

Roll call vote on **HB 272** was taken and revealed:

YES: 21

**HB 272** was declared passed the Senate and returned to the House.

Senator McDowell moved to recess for Party Caucus at 03:04 PM.

The Senate reconvened at 04:35 pm with Lt. Governor Carney presiding.

Senator McDowell yields to Senator Cloutier.

**SB 173** was brought before the Senate for consideration on the motion of Senator Cloutier.

**SB 173** - AN ACT TO AMEND TITLE 19 AND TITLE 29 OF THE DELAWARE CODE RELATING TO WHISTLEBLOWERS' PROTECTION.

Several Senators commented.

Roll call vote on **SB 173** was taken and revealed:

YES: 19

NO: Senator Bonini, Venables, - 2.

**SB 173** was declared passed the Senate and sent to the House for Consideration.

Announcement and Additions were announced.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
3/23/2004**

**SB 228** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE CONCERNING THE APPOINTMENT OF JUDGES. Sponsor: Sen. Adams; Vaughn, Rep. Wagner; **Judiciary**.

**SB 229** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. Sponsor: Sen. Peterson; Sens. Amick, Blevins, Cloutier, Connor, Copeland, Henry, McDowell, Simpson, Sokola, Sorenson, Venables, Reps. DiPinto, George, Hall-Long, Houghton, Keeley, Maier, Mulrooney, Plant, Roy, Viola;

**Administrative Services.**

**SB 230** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ABSENTEE BALLOTS. Sponsor: Sen. Blevins; Roy, Sens. Henry; Venables, Reps. B. Ennis; Hall-Long; Keeley; Quillen, Spence; Viola; **Insurance & Elections.**

**HB 304** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE STUDENT TESTING PROGRAM. Sponsor: Rep. Reynolds; Sokola, Reps. Booth, Buckworth, Carey, Fallon, George, Maier, Mulrooney, Oberle, Viola, Wagner; Sen. Simpson; **Education.**

**HB 320** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE COUNTY AUDITOR. Sponsor: Rep. Lavelle; Sokola, Reps. Hudson, Smith, Valihura; Sens. Copeland, Sorenson; **Judiciary.**

**SS 1 for SB 161** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO RENEWABLE ENERGY PORTFOLIO STANDARDS. Sponsor Sen. McDowell; Reps. Buckworth, D. Ennis, Keeley, Mulrooney, Plant, Roy, Valihura, Williams; Adopted in Lieu of the Original. **Energy & Transit.**

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On motion of Senator McDowell, the Senate recessed at 05:04 PM until March 24, 2004 at 04:00PM.

The Senate reconvened at 04:29 PM on March 24, 2004, with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 47; HCR 45; HB 317 w/HA 1 & HA 2.**

The following committee reports were announced:

From Judiciary **SB 223** – 4 Merits, 1 Favorable; **SB 165** - 5 Merits.

From Education **SS1 to SB 204** - 4 Merits; **HB 304** - 3 Merits; **HB 198 w/HA 1** - 3 Merits; **SB 227** - 4 Merits.

At 04:30 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirteenth Legislative Day.

**13th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MARCH 24, 2004**

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

A prayer was offered by Senator Adams 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 noted the death of a former member the Honorable Charles E. "Pete" Hughes.

Senator McDowell yields to Senator Sokola.

**SB 227** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 227** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO APPEALS TO THE STATE BOARD OF EDUCATION FROM DECISIONS OF LOCAL SCHOOL BOARDS

Senator Sokola requested the privilege of the floor for Ann Case, representing State Board of Education.

The witness was excused after addressing the Senate.

Roll call vote on **SB 227** was taken and revealed:

YES: 19

ABSENT: Senators Bunting and Marshall – 2

**SB 227** was declared passed the Senate and sent to the House for Consideration.

**HB 304** was brought before the Senate for consideration, under the suspension of the necessary rules, on the motion of the floor manager, Senator Sokola.

**HB 304** - AN ACT TO AMEND DTITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE STUDENT TRESTING PROGRAM. (Sponsor: Rep. Reynolds & Sen. Sokola, Reps. Booth, Buckworth, Carey, Fallon, George, Maier, Mulrooney, Oberle, Viola, Wagner & Sen. Simpson).

Senator Sokola requested privilege of the floor for Beth Carlson, representing Morris Early Childhood Center, Milford School District and DESPA (Del. Elem. School Prin. Assoc.)

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

Several Senators questioned the floor manager.

Roll call vote on **HB 304** was taken and revealed:

YES: 21

**HB 304** was declared passed the Senate and returned to the House.

Senator Marshall was marked present during the above roll call.

Announcements and Additions were announced.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
March 24, 2004**

**3/24/2004**

**SB 231** - AN ACT CREATING A PUBLIC EDUCATION CLASSROOM INSTRUCTION FUND AND APPROPRIATING NINE MILLION DOLLARS FROM THE FEDERAL FISCAL RELIEF FUND FOR SUCH PURPOSES. Sponsor: Sen. Cook; DiPinto, Bunting, Henry, Vaughn, Amick, Cloutier, Buckworth, D. Ennis, Fallon, Houghton, Williams, **Finance**.

**SB 232** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CONCERNING THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT. Sponsor: Sen. Adams; Ewing; **Executive**.

**HB 317 w/HA 1, HA 2** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO TAPROOMS AND TAVERNS. Sponsor: Rep. Hudson; Rep. Schwartzkopf, Rep. Buckworth, Sen. Sokola; **Small Business**.

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The Secretary announced the agenda for March 25, 2004.

On motion of Senator McDowell, the Senate recessed at 05:09 PM on March 25 2004 at 02:45 PM.

The Senate reconvened at 03:45 PM on March 25, 2004, with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed

**HCR 40; HCR 21.**

The following committee reports were announced:

From Energy & Transit: **SS 1 for SB 161** - 1F, 4M.

From Revenue & Taxation: **SB 188** - 4M.

**SENATE CITATION ANNOUNCEMENT NO. 5**, containing S142-450 - 508 inclusive was introduced for the permanent record, partially read and copies made available for those who request it.

Senator Bonini requested the privilege of the floor for the introduction of the Poly Tech High School Choir and their director, Ms. Catherine Crusco, representing the March for the Arts in Education program.

The witness was excused.

Senators Bonini and McDowell commented.

At 04:00 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the Fourteenth Legislative Day.

**14th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MARCH 25, 2004**

The Senate convened at 04:00 PM with Lt Governor Carney presiding.

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

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

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

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

Senator McDowell yields to Senator Adams.

**HJR 21** was introduced and brought before the Senate for consideration, under the suspension of the necessary rules, on the motion of the floor manager, Senator Adams.

**HJR 21** - EXPRESSING PROFOUND SORROW AND CONDOLENCES ON THE PASSING OF VIRGIL F. PUSKARICH, EXECUTIVE DIRECTOR OF THE LOCAL GOVERNMENT COMMISSION, AND RECOGNIZING HIS CONTRIBUTIONS TO THE PENNSYLVANIA GENERAL ASSEMBLY AND COMMONWEALTH. Sponsors: Reps. Roy DiPinto & Hudson, On behalf of all Representatives and Senators Adams, McDowell & Cook, On behalf of all Senators.

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

YES: 21.

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

Senator McDowell moved to recess for Party Caucus at 04:07 PM.

The Senate reconvened at 05:30 PM with Senator DeLuca presiding.

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

Lt. Governor Carney presiding at 05:35 PM.

The Reading Clerk announced messages from the House informing the Senate it had passed **HB 20; SB 215; SB 119; SB 142; SB 191 w/HA 2.**

The President Pro Tempore's list of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
March 25, 2004**

**March 24, 2004**

**SA 1 to HS 1 for HB 324** - Sponsor: Sen. McDowell; Placed with the Bill.

**SB 233** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO REENCODER AND SCANNING DEVICES. Sponsor : Sen. Connor; Amick, Rep. Reynolds, , Sens. Blevins, Cloutier, Copeland, Henry, Marshall, McBride, Peterson, Simpson, Sorenson, Still, , Reps. Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, George, Hall-Long, Valihura, Wagner; **Small Business.**

**SB 234** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF GO-PEDS OR MOTORIZED SKATEBOARDS OR SCOOTERS. Sponsor : Sen. McBride; Spence, Sens. Blevins, Bunting, Henry, Peterson, Sokola, Simpson, Sorenson, , Reps. Stone, Ewing, Hudson, Fallon, DiPinto, Caulk, Buckworth, Reynolds, Lofink, Houghton, & Viola; **Public Safety.**

**SB 235** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE IVYANE D.F. DAVIS MEMORIAL SCHOLARSHIP FUND. Sponsor: Sen. McDowell; Oberle, Sen. Sorenson; Reps. Gilligan, Keeley, Maier; **Children, Youth & their Families.**

**March 25, 2004**

**SA 1 to SB 223** - Sponsor: Sen. Vaughn; Placed with the Bill.

**SA 1 to SB 225** - Sponsor: Sen. Marshall; Placed with the Bill.

**SB 22** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE. Sponsor: Sen. Marshall; Peterson, Rep. Viola; Sens. Henry, McBride, McDowell & Blevins; Reps. Oberle, B. Ennis, George, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Van Sant & Williams; **Labor & Industrial Relations.**

**SB 236** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO INCLUSION OF SERVICE IN THE MILITARY AS CREDITED SERVICE FOR PENSION

PURPOSES. Sponsor: Sen. Amick; Bonini, Sen. Sorenson & Rep. Stone; Sens. Bunting, Cloutier, Connor, Copeland, Simpson, Sokola, Still; Reps. Buckworth, Carey, Hudson, Miro, Quillen, Wagner; **Finance**.

**SB 237** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVERS LICENSE RESTRICTIONS Sponsor: Sen. Amick; Reps. Ewing, George, Schwartzkopf; **Public Safety**.

**SB 238** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HOMICIDE OFFENSES. Sponsor: Sen. Vaughn; Spence; **Judiciary**.

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Senator McDowell moved to temporary stand in recess at 05:36 PM.

The Senate reconvened with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 282 w/ HA 1 & HJR 22**.

Senator McDowell yields to Senator Peterson.

**HJR 22** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Peterson.

**HJR 22** CELEBRATING THE LIFE AND HONORING THE MEMORY OF THE LATE WILLIAM B. KEENE OF NEWARK WHO DEPARTED THIS LIFE ON FRIDAY, THE NINETEENTH DAY OF MARCH 2004 AT THE AGE OF SEVENTY YEARS. Sponsors: Rep Ulbrich; on behalf of all Representatives and Senator Sokola; on behalf of all Senators.

Several Senators commented.

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

YES: 20

ABSENT: Senator McBride - 1.

**HJR 22** 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 March 30, 2004.

On motion of Senator McDowell, the Senate recessed at 05:58 PM until March 30, 2004 at 02:30 PM.

The Senate reconvened at 02:47 PM on March 30, 2004, with Lt. Governor Carney presiding.

The following committee reports were announced:

From Finance: **SB 231** – 4 Favorable, 1 Merits.

From Community County Affairs: **SB 216** - 3 Merits; **SB 217** - 3 Merits and **SB 226** - 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 333; HB 20; SB 215; SB 119; SB 142; SB 191 w/HA 2; HJR 23**.

At 02:50 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Fifteenth Legislative Day.

**15TH LEGISLATIVE DAY  
142ND GENERAL ASSEMBLY  
SECOND SESSION  
MARCH 30, 2004**

The Senate convened at 02:50 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.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 48; HCR 54**.

**HCR 48** was brought before the Senate for consideration on the motion of floor manager Senator Copeland.

**HCR 48** - CONGRATULATING THE NAAMANS LITTLE LEAGUE ALL-STARS ON AN OUTSTANDING AND IMPRESSIVE 2003 SEASON AND FOR BECOMING THE FIRST TEAM FROM DELAWARE TO MAKE IT TO THE LITTLE LEAGUE WORLD SERIES IN THE EVENT'S 57-YEAR HISTORY. Sponsors: Reps Smith, D. Ennis, Hudson,

Lavelle, Valihura; on behalf of all Representatives and Senator Cloutier, Copeland; on behalf of all Senators.

Senator Copeland requested privilege of the floor for the DE Baseball Little League All-Stars players, coach and manager. The players, Michael Julian, Kip Skibicki, Zach Lopes, Danny Frate, David Mastro, Constantine Fournaris, Cory Firmani and Scott Dougherty introduced themselves. Manager, H.J. Lopes and Coach, Joseph Mascelli said a few words to the Senate, after which the witnesses were excused.

Several Senators commented.

Roll call vote on **HCR 48** was taken and revealed:

YES: 21

**HCR 48** was declared passed the Senate and returned to the House.

Senator McBride was marked present during the above roll call.

Senator McDowell requested the privilege of the floor for the introduction of the P.S. duPont Elementary School Choir and Diane Delaney and Sandra Shoemakers, the music directors. Ms. Delaney addressed the Senate and the 4<sup>th</sup> grade sang "Our Delaware" after which the witnesses were excused.

**SB 223** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 223** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO THE ACCOUNTING AND DISTRIBUTION OF A DECEDENT'S PROPERTY.

**SA 1 to SB 223** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 223** was taken and revealed:

YES: 21.

**SA 1 to SB 223** was declared part of the bill.

**SB 223 w/SA 1** was now before the Senate.

Senators Vaughn and McDowell commented.

Roll call vote on **SB 223 w/SA 1** was taken and revealed:

YES: 21.

**SB 223 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 231** was brought before the Senate for consideration on the motion of Senator Cook.

**SB 231** - AN ACT CREATING A PUBLIC EDUCATION CLASSROOM INSTRUCTION FUND AND APPROPRIATING NINE MILLION DOLLARS FROM THE FEDERAL FISCAL RELIEF FUND FOR SUCH PURPOSES.

Senator Cook commented on the bill.

Senator Bonini questioned the sponsor.

Roll call vote on **SB 231** was taken and revealed:

YES: 21.

**SB 231** was declared passed the Senate and sent to the House for Consideration.

Senator Henry request **SB 191 w/HA 2** be brought before the Senate for Consideration.

Roll call vote on **SB 191 w/HA 2** was taken and revealed:

YES: 21.

**SB 191 w/HA 2** was declared passed the Senate and sent to the Governor.

Senator McDowell moved to recess for Party Caucus at 03:24 PM.

The Senate reconvened at 04:00 PM with Lt. Governor Carney presiding.

**HB 130** was Lifted from the Table and brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 130** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE TOBACCO SETTLEMENT ACT.

Senator Bonini requested personal privilege of the floor for Anthony F. Troy, representing the Council of Independent Tobacco Manufacturers of America.

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

Senator Bonini requested personal privilege of the floor for Everett Gee, representing S&M Brands, Inc.

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

Senator Cook requested personal privilege of the floor for Drue Chichi, representing Department of Justice, State of Delaware.

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

Roll call vote on **HB 130** was taken and revealed:

YES: 9

NO: Senator(s) Amick, Blevins, Bonini, Connor, Copeland, Marshall, McDowell, Peterson, Simpson, Sorenson, Venables - 11.

NOT VOTING: Senator Cloutier - 1

**HB 130** was declared Defeated in the Senate and returned to the House.

Announcements and Additions to the agenda were announced.

On motion of Senator McDowell, the President Pro Tempore's list of Pre-Filed Legislation was partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
March 30, 2004**

**March 25, 2004**

**SA 3 to HB 319** - Sponsor: Sen. Vaughn; Placed with the Bill.

**March 29, 2004**

**SB 240** - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES LOCATED IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT AND RESTATING THAT THE ACT APPLIES TO TOWNS AND CITIES THROUGHOUT THE STATE WITH POPULATIONS IN EXCESS OF 50,000 PEOPLE Sponsor: Sen. Venables; Booth, Sens. Adams, Bunting; Reps. Atkins, Carey, Ewing, Fallon, Hocker, Lee, Roy, Schwartzkopf; **Small Business**.

**March 30, 2004**

**SA 1 to HB 135** - Sponsor: Sen. Blevins; Placed with the Bill.

**SA 1 to SB 220** - Sponsor: Sen. Connor; Placed with the Bill.

**SB 239** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE NANTICOKE INDIAN ASSOCIATION. Sponsor: Sen. Bunting; Atkins; **Executive**.

**HB 20** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR FORMER PRISONERS OF WAR AND FOR RECIPIENTS OF THE PURPLE HEART. Sponsor: Rep. Ewing; Cathcart, Sen. DeLuca; Reps. Atkins, Booth, Buckworth, Carey, DiPinto, B. Ennis, D. Ennis, Fallon, Hocker, Houghton, Keeley, Lavelle, Lee, Lofink, Miro, Mulrooney, Plant, Quillen, Reynolds, Schwartzkopf, Smith, Spence, Thornburg, Ulbrich, Valihura, Van Sant, Viola; **Veterans Affairs**.

**HB 282 w/HA 1** - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO INFLUENCING RESULTS OF SPORTING EVENTS BY UNLAWFUL MEANS. Sponsor: Rep. Oberle; Quillen, Sen. Cook & Sen. Vaughn; **Agriculture**.

**HB 333** - AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS TO PROVIDE FOR A RETROACTIVE GENERAL SALARY INCREASE FOR STATE EMPLOYEES AND TO PROVIDE FOR A ONE-TIME SALARY SUPPLEMENT FOR PART-TIME, CASUAL/SEASONAL AND 100% LOCALLY FUNDED EDUCATIONAL EMPLOYEES FOR THE FISCAL YEAR ENDING JUNE 30, 2004 Sponsor: Rep. Spence; Reynolds, DiPinto; Reps. Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lee, Lofink, Maier, Miro, Quillen, Roy, Smith, Stone, Thornburg, Ulbrich, Valihura, Wagner; Sens. Still, Sorenson, Connor, Amick, Cloutier; **Finance**.

**HJR 23** - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2004. Sponsor: Rep. DiPinto; Hudson; **Finance**.

**SB 241** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO GILL NET FISHING. Sponsor: Sen. Still; Carey, Reps. Hocker, Quillen; **Natural Resources & Environmental Control**.

**SB 242** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE TERMINATION OF CRIMINAL ACTIONS IN FAVOR OF THE ACCUSED AND PETITIONS FOR EXPUNGEMENT. Sponsor: Sen. Henry; George & Rep. Keeley; Reps. Schwartzkopf, Viola, B. Ennis, Sens. Venables, Sokola; **Judiciary**.

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The Secretary announced the agenda for March 31, 2004.

On motion of Senator McDowell, the Senate recessed at 05:05 PM until March 31, 2004 at 04:00 PM.

The Senate reconvened at 04:11 PM on March 31, 2004, with Lt. Governor Carney presiding.

A communication from the Office of Senator Henry was read into the record informing the Senate that Representative John Viola was added as a co-sponsor of SCR 32.

The Secretary of the Senate announced a message from the House informing the Senate that it has passed HCR 51; HCR 52; HCR 55; HB 337 w/HA 1; SB 171; SB 203w/SA 1; SB 163.

The following committee reports were announced:

From Administrative Services: SB 229 – 1 Favorable, 3 Merits.

From Health and Social Services: SB 225 – 6 Merits; HB 321 - 6 Merits.

From Judiciary: SB 56 – 5 Merits; SB 228 – 5 Merits; SB 238 - 1 Favorable, 4 Merits.

From Public Safety: SB 220 – 4 Merits; SB 234 – 3 Merits.

From Small Business: SB 233 – 4 Merits; HB 317 w/HA 1 & 2 - 4 Merits.

From Sunset: SB 182 - 4 Merits.

SR 21 was brought before the Senate for consideration on motion of Senator Peterson.

SR 21 – URGING THE BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES TO GRANT POLITICAL ASYLUM STATUS TO SHAHRAM ZIA, A NATIVE OF AFGHANISTAN RESIDING IN THE TOWN OF SMYRNA.

Senator Peterson requested privilege of the floor for Neda Biggs, Shahrām Zia and Hajera Zia.

The witnesses addressed the Senate.

Senators Marshall and Still commented.

The witnesses were excused.

Roll call vote on SR 21 was taken and revealed.

YES: 19

ABSENT: Senator(s) Bonini, McBride - 2

SR 21 was declared Adopted.

At 04:32 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Sixteenth Legislative Day.

**16TH LEGISLATIVE DAY  
142ND GENERAL ASSEMBLY  
SECOND SESSION  
MARCH 31, 2004**

The Senate convened at 04:32 PM with Lt Governor Carney presiding.

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

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

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

The journal of the previous day was approved as read on motion of Senator McDowell.

No objections.

SB 226 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 226 - AN ACT TO AMEND VOLUME 66, CHAPTER 291, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF CLAYTON, PERTAINING TO THE DUTIES OF THE COUNCIL TREASURER AND PERTAINING TO BORROWING FOR CURRENT EXPENSES.

Roll call vote on SB 226 was taken and revealed:

YES: 21

SB 226 was declared passed the Senate and sent to the House for Consideration.

Senators Bonini and McBride marked present during the above roll call.

Senator McBride requested SB 224 be removed from the agenda.

Senator McBride requested that SB 182 be removed from the agenda.

On motion from Senator McDowell, at 04:40 PM the Senate took a brief recess.

The Senate reconvened at 05:08 PM with Lt. Governor Carney presiding.

**SENATE CONSENT CALENDAR #10** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following resolutions:

SCR 31 - DECLARING AUGUST 19, 2004, AS FRANK E. SCHOONOVER DAY IN DELAWARE. Sponsors: Senators Still & Cook; Reps. Stone & Wagner.

**SCR 32** - TO URGE THE DELAWARE CONGRESSIONAL DELEGATION TO OPPOSE THE DISCHARGE OF TREATED NERVE AGENT VX (HYDROLYSATE) INTO THE DELAWARE RIVER. Sponsors Senator Henry; Rep. Lavelle; Senators Blevins, Bunting, Cloutier, Cook, Marshall, McBride, McDowell, Peterson, Simpson & Sokola; Reps. B. Ennis, Plant, Williams, Oberle, Gilligan, Spence, Keeley, Houghton, George, Maier, Lofink & Schwartzkopf.

**HCR 40** - URGING ALL MOTOR VEHICLE CASUALTY INSURANCE COMPANIES TO CONSIDER THE SUCCESS OF DELAWARE'S DRIVER EDUCATION PROGRAMS IN LOWERING DELAWARE'S TEEN ACCIDENT RATE AND TO RECOGNIZE THIS SUCCESS WITH APPROPRIATE LOWER INSURANCE PREMIUMS IN DELAWARE. Sponsors: Rep. Spence, Reynolds & Senators Sokola & Connor; Reps. Booth, George Mulrooney, D. Ennis Maier & Ulbrich.

**HCR 43** - EXTENDING THE REPORTING DATE FOR THE COMMITTEE CREATED BY HOUSE CONCURRENT RESOLUTION NO. 33 OF THE 142ND GENERAL ASSEMBLY. Sponsors: Rep. Booth & Senator Bunting, Rep. Schwartzkopf & Sen. Simpson.

**HCR 47** - PROCLAIMING THE MONTH OF MAY 2004 AS "MOTORCYCLE AWARENESS MONTH" AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DECLARING SAME. Sponsors: Rep. B. Ennis & Senator Vaughn; Reps. D. Ennis, Hall-Long, Houghton, Spence, Van Sant; & Senator Peterson.

**HCR 51** - PROCLAIMING THE WEEK OF APRIL 11 THROUGH APRIL 17, 2004, AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK. Sponsors: Rep. Ewing & Senator Henry on behalf of all Representatives and on behalf of all Senators.

**HCR 52** - RE-ESTABLISHING THE JUVENILE JUSTICE REVIEW TASK FORCE Sponsors: Rep. Valihura & Senator Henry.

**HCR 54** - COMMENDING MEGHAN PASRICHA AS THE 20TH DISTRICT AND FIRST PLACE STATEWIDE WINNER OF THE LEGISLATIVE ESSAY SCHOLARSHIP CONTEST, AND FOR RECEIVING A 2004 PRUDENTIAL SPIRIT OF COMMUNITY AWARD FOR BEING DELAWARE'S TOP YOUTH VOLUNTEER. Sponsors: Rep. Roy & Senator Sorenson.

**HCR 55** - DECLARING MARCH 2004 AMERICAN RED CROSS MONTH. Sponsors: Reps. George & Thornburg & Senator Henry.

On motion of Senator McBride **HCR 52** was removed.

On motion of Senator Bonini **SCR 32** was removed.

Senator Cook requested to be added as a co-sponsor of **SCR 31**.

Roll call vote on the **SENATE CONSENT CALENDAR #10** was taken and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared Adopted. The Senate Concurrent Resolutions were sent to the House along with the House Concurrent Resolutions.

**SCR 32** was brought before the Senate for consideration on the motion of Senator Henry.

**SCR 32** - TO URGE THE DELAWARE CONGRESSIONAL DELEGATION TO OPPOSE THE DISCHARGE OF TREATED NERVE AGENT VX (HYDROLYSATE) INTO THE DELAWARE RIVER. Sponsors Senator Henry & Rep. Lavelle; Senators Blevins, Bunting, Cloutier, Cook, Marshall, McBride, McDowell, Peterson Simpson & Sokola; Reps. B. Ennis, Plant, Williams, Oberle, Gilligan, Spence, Keeley, Houghton, George, Maier, Lofink & Schwartzkopf.

Senator Still moved to Lay **SCR 32** on the Table.

Senator Henry objects.

Roll call vote on **SCR 32** was taken and revealed:

YES: 17

NOT VOTING: Senator(s) Bonini, Copeland, Still, Venables - 4.

**SCR 32** was declared passed the Senate and sent to the House for Consideration.

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

Senator Sokola requested the personal privilege of the floor for the purpose of an introduction of his wife, Kathy, visiting the chamber.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
MARCH 31, 2004**

**March 30, 2004**

**SB 243** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO DISCLOSURES IN ELECTION CAMPAIGNS. Sponsor: Sen. Still; **Insurance & Elections**.

**SB 244** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES. Sponsor: Sen. Sokola; Maier, Sens. Blevins, Bunting, DeLuca, Henry, Peterson & Rep. Boulden; **Public Safety**.

**March 31, 2004**

**HB 337 w/HA 1** - AN ACT TO AMEND TITLE 4 AND TITLE 29 OF THE DELAWARE CODE RELATING TO FINANCIAL DISCLOSURE REPORTS FOR CERTAIN PUBLIC OFFICERS. Sponsor: Rep. Smith; Adams; **Executive**.

**SB 245** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE SOLID WASTE AUTHORITY AND RECYCLING. Sponsor: Sen. McBride; Miro & Sen. Sorenson & Rep. Lavelle & Rep. Valihura; Sens. Blevins, Bunting, Cloutier, Connor, Copeland, Henry, McDowell, Peterson, Simpson, Sokola; Reps. DiPinto, D. Ennis, Houghton, Hudson, Keeley, Maier, Mulrooney, Oberle, Quillen, Roy, Ulbrich, Williams; **Executive**.

**SB 246** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO SAME SEX RELATIONSHIPS. Sponsor: Sen. Still; Venables, Sen. Bonini & Rep. Ewing & Rep. Smith & Rep. Caulk; Reps. Atkins, Lee, Thornburg; **Executive**.

\* \* \*

The Secretary announced the agenda for April 1, 2004.

On motion of Senator McDowell, the Senate recessed at 05:28 PM until April 1, 2004 at 02:00 PM.

The Senate reconvened at 03:04 PM on April 1, 2004 with Lt. Governor Carney presiding.

The Secretary of the Senate announced a message from Senator Blevins requesting withdraw of sponsorship of **HB 130**.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 57**.

A message from the Chief Clerk of the House was read advising the Senate Representative Peter C. Schwartzkopf signed **SB 222** as an additional sponsor.

The following committee reports were announced:

From Labor: **HB 228** – 5 Merits; **SB 22** - 2 Favorable, 2 Merits; **SB 212** – 1 Favorable, 4 Merits.

The Secretary of the Senate announced a message from Senator Cloutier requesting she be added as a co-sponsor to **SCR 31**.

At 03:07 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Seventeenth Legislative Day.

**17th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
APRIL 01, 2004**

The Senate convened at 03:07 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.

At the request of Senator Adams, a sympathy acknowledgement from former President Pro Tempore, Thomas B. Sharp referencing the death of his father was read to the record.

**HCR 57** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HCR 57** - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE Sponsors: Rep. Maier on behalf of all Representatives and Senator Blevins on behalf of all Senators.

Roll call vote on **HCR 57** was taken and revealed:

YES: 20

ABSENT: Senator(s) Amick - 1.

**HCR 57** was declared passed the Senate and returned to the House.

**SCR 33** was brought before the Senate for consideration on motion of Senator Connor.

**SCR 33** - PROCLAIMING THE WEEK OF APRIL 18 THROUGH APRIL 24, 2004, AS ADMINISTRATIVE PROFESSIONAL WEEK. Sponsors: Sen. Connor & Rep. Spence On behalf of all Senators; On behalf of all Representatives.

Roll call vote on **SCR 33** was taken and revealed:

YES: 21

**SCR 33** was declared passed the Senate and sent to the House for Consideration.

Senator Amick was marked present during the above roll call.

Senator McDowell requested the privilege of the floor for the introduction of Allen DeWalle, President and CEO of AAA Mid-Atlantic. Mr. DeWalle was granted the privilege to address the members of the Senate, after which the witness was excused.

Senator McDowell introduced Ms. Judy Cherry, Director of Delaware Economic Office.

Senator McDowell introduced Margie Prueitt representing the Red Cross. Ms. Prueitt was granted the privilege of the floor to address the Senate, after which the witness was excused.

**HB 319 w/SA 1 & SA 2** was Lifted from the Table and brought before the Senate for Consideration on motion of the floor manager, Senator Vaughn.

**HB 319 w/SA 1 & SA 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE BUREAU OF IDENTIFICATION AND THE PUBLIC RELEASE OF POLICE, PROBATION, AND PAROLE OFFICER NAMES AND IDENTIFICATION NUMBERS.

**SA 3 to HB 319** was brought before the Senate for consideration on motion of Senator Vaughn.

Roll call vote on **SA 3 to HB 319** was taken and revealed:

YES: 19

NO: Senator(s) Henry - 1.

NOT VOTING: Senator(s) McDowell - 1.

**SA 3 to HB 319** was declared part of the bill.

**HB 319 w/SA 1, SA 2 & SA 3** was now before the Senate.

Senator McDowell commented.

Senator Vaughn requested privilege of the floor for Steve Wood, representing the Attorney General's office.

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

Roll call vote on **HB 319 w/SA 1, SA 2 & SA 3** was taken and revealed:

YES: 20

NO: Senator(s) Henry, - 1.

**HB 319 w/SA 1, SA 2 & SA 3** was declared passed the Senate and sent to the House for Reconsideration.

**SB 166** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 166** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PERSONAL INJURY PROTECTION DEDUCTIBLES.

**SA 1 to SB 166** was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested personal privilege of the floor for Joe Weik, representing the Delaware Trial Lawyers.

Senator Bunting announced that due to conflict of interest he will not be voting on this amendment.

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

Senator Still requested personal privilege of the floor for Bryan Cochran, representing the State Farm Insurance Co.

Senators Still, Simpson and Amick questioned the witness, after which the witness was excused.

Senator Vaughn requested personal privilege of the floor for Cliff Hearne, Jr., representing the American Insurance Association.

Senators DeLuca and Still questioned the witness, after which the witness was excused.

Roll call vote on **SA 1 to SB 166** was taken and revealed:

YES: 4

NO: Senator(s) Adams, Blevins, Cloutier, Connor, Copeland, DeLuca, Henry, Peterson, Simpson, Sokola, Sorenson, Still - 12.

NOT VOTING: Senator(s) Bunting, Marshall, McBride, McDowell - 4.

ABSENT: Senator(s) Bonini - 1.

**SA 1 to SB 166** was declared Defeated.

Senator Vaughn moved to Lay **SB 166** on the Table. No objections.

Senator Bunting requested the privilege of the floor for the introduction of Bruce Hudson who was seating in the Senate Chamber.

**SB 238** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 238** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HOMICIDE OFFENSES.

Senator Vaughn requested the personal privilege of the floor for Steve Wood, representing the Attorney General's office.

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

Roll call vote on **SB 238** was taken and revealed:

YES: 19

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

**SB 238** was declared passed the Senate and sent to the House for Consideration.

**SB 234** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 234** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF GO-PEDS OR MOTORIZED SKATEBOARDS OR SCOOTERS.

**SA 1 to SB 234** was brought before the Senate for consideration on the motion of Senator McBride.

Senator McBride requested personal privilege of the floor for Paul Wallace, representing the Attorney General's office.

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

Senator McBride requested personal privilege of the floor for Steve Wood, representing the Attorney General's office.

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

Roll call vote on **SA 1 to SB 234** was taken and revealed:

YES: 19

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

**SA 1 to SB 234** was declared part of the bill.

**SB 234 w/SA 1** was now before the Senate.

Senators Henry and Simpson questioned the sponsor.

Senator McBride requested personal privilege of the floor for Paul Wallace, representing the Attorney General's office

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

Several Senators commented.

Senator McBride moved to Lay **SB 234 w/SA 1** on the Table. No objections.

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

The Secretary of the Senate announced the agenda for April 6, 2004.

On motion of Senator McDowell, the Senate recessed at 05:44 PM until April 6, 2004 at 02:45PM.

The Senate reconvened at 03:27 PM on April 6, 2004, with Lt. Governor Carney presiding.

A communication from the House was read in informing the Senate that it had passed **HB 326; HS 1 to HB 22; HB 355; HJR 20 w/HA1; HJR 19; HCR 49; HCR 56.**

A communicate from the Office of Senator Karen Peterson was read informing the Senate that Representative Terry R. Spence has been added as a co-sponsor of **SB 229.**

At 03:30 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Eighteenth Legislative Day.

**18th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
APRIL 06, 2004**

The Senate convened at 03:30 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.

Senator McDowell acknowledged the presence of a former President of the Senate Dale E. Wolf, former Governor and Lt. Governor.

**HCR 49** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HCR 49** - DESIGNATING TUESDAY, APRIL 6, 2004 AS GIRL SCOUT LEGISLATIVE DAY IN THE STATE OF DELAWARE. Sponsors: Rep. Maier on behalf of all Representatives and Sen. Blevins, on behalf of all Senators.

Roll call vote on **HCR 49** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HCR 49** was declared passed the Senate and returned to the House.

Senator Connor marked present during the above roll call.

**HCR 56** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCR 56** - BIDDING A FOND FAREWELL TO CHIEF JUSTICE E. NORMAN VEASEY AS HIS TERM AS CHIEF JUSTICE OF THE DELAWARE SUPREME COURT EXPIRES ON APRIL 7, 2004. Sponsors: Rep. Hudson & Rep. Wagner; Senators Copeland & Adams; Rep.: Valihura, George & Senator Amick

Roll call vote on **HCR 56** was taken and revealed:

YES: 21.

**HCR 56** was declared passed the Senate and returned to the House.

Senator Bonini marked present during the above roll call.

Senator Adams requested personal privilege of the floor for Chief Justice E. Norman Veasey.

After addressing the Senate the witness was excused.

Senator Copeland commented.

Senator McDowell moved to recess for Party Caucus at 03:43 PM.

The Senate reconvened at 05:32 PM with Lt. Governor Carney presiding.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
APRIL 6, 2004**

**March 31, 2004**

**SA 1 to SB 189** - Sponsor: Sen. Marshall; Placed with the Bill.

**SA 1 to SB 22** - Sponsor: Sen. Marshall; Placed with the Bill.

**SA 1 to SS 1 for SB 204** - Sponsor: Sen. Peterson; Placed with the Bill.

**April 1, 2004**

**SA 1 to SB 56** - Sponsor: Sen. Henry; Placed with the Bill.

**SB 247** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN. Sponsor: Sen. Henry & Rep. Williams, Reps. B. Ennis, Keeley, Viola; **Finance**.

**April 6, 2004**

**SB 248** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES. Sponsor: Sen. Peterson; Maier, Sens. Adams, Cook, Connor, McDowell, Venables, Bunting; Reps. Ewing, Hall-Long, Lavelle, Oberle, Reynolds, Valihura, Viola; **Administrative Services**.

**HB 326** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE PROVIDING CERTAIN RESIDENT VETERANS OF THE ARMED FORCES WITH FREE HUNTING AND FISHING LICENSES AND FREE PASSES TO THE STATE'S PARKS FOR A YEAR.

Sponsors: Rep. Oberle; Smith, & Sen. McDowell; Reps. Atkins, Carey, Fallon, Hocker, Thornburg, Ulbrich; **Veterans Affairs.**

**HB 355** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR VIETNAM WAR VETERANS. Sponsors: Rep. Spence; Senator McBride; Reps. Atkins, Cathcart, B. Ennis, D. Ennis, Ewing, Hocker, Lavelle, Lee, Reynolds, Schwartzkopf, Thornburg, Ulbrich, Valihura, Van Sant, Wagner; Sen. Bunting; **Public Safety.**

**HS 1 for HB 22** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND DRIVERS' LICENSES. Sponsors: Rep. Wagner & Senator Vaughn; **Judiciary.**

**HJR 19** - EXTENDING THE REPORTING DATE OF THE TASK FORCE EXAMINING EARLY CHILDHOOD EDUCATION PROGRAMS ESTABLISHED BY HOUSE JOINT RESOLUTION NO. 9, AS AMENDED. Sponsors: Rep. George; & Senator Sokola; **Education.**

**HJR 20 w/HA 1** - COMMENDING THE TASK FORCE ON CHRONIC ILLNESS, DISEASE MANAGEMENT AND PREVENTION AND EXTENDING THE DATE BY WHICH THE TASK FORCE IS TO ISSUE ITS FINAL REPORT. Sponsors: Rep. Hall-Long & Senator Blevins; **Health & Social Services.**

\* \* \*

Senator McDowell yields to Senator Cook.

**HJR 23** was introduced and brought before the Senate for consideration under the suspension of the necessary rules, on motion of the floor manager, Senator Cook.

**HJR 23** - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2004. Sponsors: Rep. DiPinto & Hudson

Senator Bonini questioned the floor manager.

Roll call vote on **HJR 23** was taken and revealed:

YES: 21.

**HJR 23** was declared passed the Senate and returned to the House.

**SB 250** was introduced and brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator Cook.

**SB 250** - AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS TO PROVIDE FOR A ONE-TIME SALARY SUPPLEMENT FOR STATE EMPLOYEES FOR THE FISCAL YEAR ENDING JUNE 30, 2004. Sponsors: Senator Cook & Rep. DiPinto; Senators; DeLuca, Adams, Still & Sorenson; Reps: Spence, Reynolds & Gilligan; Senators Blevins, Henry Marshall, McBride, McDowell, Peterson, Sokola, Vaughn Venables & Connor; Reps. Atkins, Booth Boulden, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lee, Lofink, Maier, Miro, Oberle, Quillen, Roy, Smith, Stone, Thornburg, Ulbrich, Valihura, Wagner, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Van Sant, Viola & Williams.

Several Senators commented.

Roll call vote on **SB 250** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**SB 250** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell yields to Senator Venables.

**HS 1 for HB 324** was introduced and brought before the Senate for consideration under the suspension of the necessary rules, on motion of the floor manager, Senator Venables.

**HS 1 for HB 324** - AN ACT TO AMEND THE FISCAL YEAR 2004 BOND AND CAPITAL IMPROVEMENTS ACT AND TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF BONDS AND NOTES OF THE STATE OF DELAWARE.

**SA 1 to HS 1 for HB 324** was brought before the Senate for consideration on the motion of Senator McDowell.

Senator McDowell moved to Lay **SA 1 for HB 324** on the Table. No objections.

Senator Bonini questioned Senator Venables.

Roll call vote on **HS 1 for HB 324** was taken and revealed:

YES: 21.

**HS 1 for HB 324** was declared passed the Senate and returned to the House.

Senator McDowell yields to Senator McBride.

Senator McBride deferred **SB 234.**

**HB 321** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 321** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH CARE INSURANCE.

Roll call vote on **HB 321** was taken and revealed:

YES: 21.

**HB 321** was declared passed the Senate and returned to the House.

**SB 56** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 56** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES FOR PERSONS CONVICTED OF DRUG OFFENSES.

**SA 1 to SB 56** was brought before the Senate for consideration on the motion of Senator Henry.

Roll call vote on **SA 1 to SB 56** was taken and revealed:

YES: 21.

**SA 1 to SB 56** was declared part of the bill.

**SB 56 w/SA 1** was now before the Senate.

Senators Simpson and Still questioned the sponsor.

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

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

Roll call vote on **SB 56 w/SA 1** was taken and revealed:

YES: 20

NO: Senator(s) Vaughn - 1.

**SB 56 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator Peterson requested to defer **SB 229**.

**SS 1 for SB 204** was brought before the Senate for consideration on the motion of Senator Peterson.

**SS 1 for SB 204** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOLS.

**SA 1 to SS 1 for SB 204** was brought before the Senate for consideration on motion of Senator Peterson.

Several Senators questioned the sponsor.

Senator Peterson moved to Lay **SA 1 to SS 1 for SB 204** on the Table. No objections.

Senator Peterson moved to Lay **SS 1 for SB 204** on the Table. No objections.

**SB 233** was brought before the Senate for consideration on the motion of Senator Connor.

**SB 233** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO REENCODER AND SCANNING DEVICES.

Senator Bonini commented.

Roll call vote on **SB 233** was taken and revealed:

YES: 21.

**SB 233** was declared passed the Senate and sent to the House for Consideration.

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

Senator Blevins moved to reconsider **HB 130**. No objection.

Senator Cook moved to rescind the roll call and Lay **HB 130** on the Table. No objection.

The Secretary announced the agenda for April 7, 2004.

On motion of Senator McDowell, the Senate recessed at 06:41 PM until April 07, 2004 at 04:00 PM.

The Senate reconvened at 04:40 PM on April 07, 2004, with Lt. Governor Carney presiding.

Communications from the House were read to informing the Senate that it had passed **HCR 58; SCR 31; SCR 33; HB 353 w/HA 1; HB 357 w/HA 1; HCR 50; SB 231; SB 201; SB 250**.

The following committee reports were announced:

From Executive: **P. David Brumbaugh** – 6 Merits; **Thomas Castaldi** – 3 Favorable, 3 Merits; **Michael Cebrick** – 1 Favorable, 5 Merits; **Nancy Shevock** – 6 Merits.

From: Administrative Services: **SB 248** – 4 Merits.

From: Education: **HJR 19** - 4-Merits.

From: Health & Social Services: **HB 175** – 6 Merits; **HJR 20 w/HA 1** - 4 Merits.

From Small Business: **SB 240** – 4 Merits.

From Public Safety: **SB 244** - 4 Merits.

At 04:45 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Nineteenth Legislative Day.

**19th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
APRIL 07, 2004**

The Senate convened at 04:45 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, 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 objection.

Senator McDowell yields to Senator McBride.

**SB 234 w/SA 1** was Lifted from the Table and brought before the Senate for Consideration on motion of Senator McDowell.

**SB 234 w/SA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF GO-PEDS OR MOTORIZED SKATEBOARDS OR SCOOTERS.

**SA 2 to SB 234** was brought before the Senate for consideration on the motion of Senator McBride.

Senator McBride moved to Lay **SA 2 to SB 234** on the Table. No objection.

**SA 3 to SB 234** was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on **SA 3 to SB 234** was taken and revealed:

YES: 21.

**SA 3 to SB 234** was declared part of the bill.

**SB 234 w/SA 1 & SA 3** was now before the Senate.

Senator McBride requested privilege of the floor for Major David L. Baylor, representing Delaware State Police.

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

Senators McBride and Simpson commented.

Senator McBride requested 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 McBride and Connor commented.

Senator Connor requested to be added as a co-sponsor of **SB 234**.

Senator McDowell addressed the bill.

Roll call vote on **SB 234 w/SA 1 & SA 3** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, Copeland, Simpson, Still, Venables - 5.

**SB 234 w/SA 1 & SA 3** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 248** was brought before the Senate for consideration on motion of Senator Peterson.

**SB 248** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES.

**SA 1 to SB 248** was brought before the Senate for consideration on motion of Senator Peterson.

Senator Peterson moved to Lay **SB 248** on the Table. No objection.

**SB 229** was brought before the Senate for consideration on the motion of Senator Peterson.

**SB 229** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.

**SA 1 to SB 229** was brought before the Senate for consideration on the motion of Senator Peterson.

Roll call vote on **SA 1 to SB 229** was taken and revealed:

YES: 21.

**SA 1 to SB 229** was declared part of the bill.

**SB 229 w/SA 1** was now before the Senate.

Senators McBride, Henry and Marshall commented.

Senator Marshall requested privilege of the floor for Steve Wood, representing the Attorney General's office.

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

**SA 2 to SB 229** was brought before the Senate for consideration on the motion of Senator DeLuca.

Several Senators commented.

Roll call vote on **SA 2 to SB 229** was taken and revealed:

YES: 5

NO: Senator(s) Amick, Blevins, Bonini, Cloutier, Connor, Copeland, Henry, Marshall, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Venables - 15.

NOT VOTING: Senator(s) Bunting - 1.

**SA 2 to SB 229** was declared Defeated.

**SB 229 w/SA 1** was now before the Senate.

Roll call vote on **SB 229 w/SA 1** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, Marshall, McBride, Vaughn - 4.

**SB 229 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 165** was brought before the Senate for consideration on the motion of Senator Still.

**SB 165** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL USE OF SOUND DEVICES.

Senator Still requested privilege of the floor for Thomas F. LeMiln, representing the City of Newark Police Department.

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

**SA 1 to SB 165** was brought before the Senate for consideration on the motion of Senator Still.

Roll call vote on **SA 1 to SB 165** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

**SA 1 to SB 165** was declared part of the bill.

**SB 165 w/SA 1** was now before the Senate.

Senator Still yields to Senator Amick.

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

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

Senator Still moved to Lay **SB 165 w/SA 1** on the Table. No objection.

Senator McDowell yields to Senator Connor.

Senator Connor introduced Matt Sundeen, NCSL/Delaware Liaison.

Senator Bonini commented on the introduction of a bill and its assignment to committee.

Following his comments and questions, Senator Bonini introduced **SB 253**.

Senator McDowell moved **SB 253** be assigned to committee.

Senator DeLuca raised a point of order.

Senator Bonini moved to suspend rules to consider **SB 253**.

Senator McDowell objected.

Roll call on motion to suspend rules.

YES: 8

NO: 12 Senator(s) Adams, Blevins, Bunting, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Sokola, Vaughn

ABSENT: Senator(s) Venables - 1.

Having not receiving the required number of votes, the roll call on the motion was declared Defeated.

Senator Bonini commented.

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

The Secretary announced the agenda for April 8, 2004.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
APRIL 7, 2004**

**April 6, 2204**

**SA 2 to SB 234** - Sponsor: Sen. McBride; Placed with the Bill.

**SA 3 to SB 234** - Sponsor: Sen. McBride; Placed with the Bill.

April 7, 2004

**SB 249** - AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO PERSONAL INCOME TAXES. Sponsor: Sen. Bonini; **Finance**.

**SB 251** - AN ACT TO KEEP MEMBERS OF THE GENERAL ASSEMBLY FROM RECEIVING THE SUPPLEMENT AUTHORIZED BY THE ENACTMENT OF SENATE BILL NO. 250 OF THE 142ND GENERAL ASSEMBLY. Sponsor: Sen. Bonini; **Finance**.

**HCR 45** - RE-ESTABLISHING THE COMMUTER TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING RESTORING AND IMPLEMENTING COMMUTER RAIL SERVICE BETWEEN NEW CASTLE AND KENT COUNTIES Sponsor: Rep. Wagner; D. Ennis, Sen. McDowell & Sen. Still; **Executive**.

**HCR 50** - ESTABLISHING THE DELAWARE EDUCATION REFORM TASK FORCE TO REVIEW THE DELAWARE STUDENT TESTING PROGRAM AND THE THREE TIERED HIGH SCHOOL DIPLOMA PROGRAM SCHEDULED TO BE IMPLEMENTED BEGINNING WITH STUDENTS GRADUATING IN 2004 AND TO INVESTIGATE AND REPORT ON THE POTENTIAL IMPACT OF CHANGING EITHER OR BOTH PROGRAMS FOR THE PURPOSES OF REFINING AND IMPROVING THEM. Sponsor: Rep. Maier; Oberle & Rep. Ulbrich & Sen. Sokola & Sen. Peterson & Sen. Simpson; Reprs. Atkins, Booth, Buckworth, Carey, Cathcart, B. Ennis, Ewing, Fallon, Hall-Long, Keeley, Lavelle, Lofink, Reynolds, Schwartzkopf, Spence, Stone, Thornburg, Van Sant, Viola; Sens. Bonini, Connor, Copeland, Sorenson; **Executive**.

**HCR 52** - RE-ESTABLISHING THE JUVENILE JUSTICE REVIEW TASK FORCE. Sponsor: Rep. Valihura; Henry; **Executive**.

**HCR 58** - A RESOLUTION ESTABLISHING A TASK FORCE TO DETERMINE THE NEED OF ESTABLISHING A BOARD OR COMMISSION FOR THE REGISTRATION, LICENSING, AND ADMINISTRATION OF CONSUMER AND COMMERCIAL HOME INSPECTIONS WITHIN THE STATE. Sponsor: Rep. Booth; Simpson, Reprs. Hocker, Stone; Sens. Bunting, Sokola, Amick, **Executive**.

**SA 1 to SB 248** - Sponsor: Sen. Peterson; Placed with the Bill.

**SB 252** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO VOTER REGISTRATION AND THE CHANGE OF PARTY DESIGNATION. Sponsor Sen. Sokola; **Insurance & Elections**.

\* \* \*

On motion of Senator McDowell, the Senate recessed at 06:43 pm until April 8, 2004 at 02:30 PM.

The Senate reconvened at 03:04 PM on April 8, 2004, with Lt. Governor Carney presiding.

**LEGISLATIVE ADVISORY #19**, 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 #19**, dated April 8, 2004, the Governor signed the following legislation on the date indicated:

**SB #215** (3/25/04) – AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO PILOTAGE RATES. (Sponsors: Sen. Adams & Rep. Ewing; Sens. Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables; Reprs. Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Quillen, Reynolds, Roy, Schwartzkopf, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, Van Sant, Viola, Wagner, Williams) (Volume 74, Chapter 211, Laws of Delaware.)

**HJR #21** (3/25/04) – EXPRESSING PROFOUND SORROW AND CONDOLENCES ON THE PASSING OF VIRGIL F. PUSKARICH, EXECUTIVE DIRECTOR OF THE LOCAL GOVERNMENT COMMISSION, AND RECOGNIZING HIS CONTRIBUTIONS TO THE PENNSYLVANIA GENERAL ASSEMBLY AND COMMONWEALTH. (Sponsors: Rep. Roy & Rep. DiPinto & Rep. Hudson; On behalf of all Representatives; Sen. Adams & Sen. McDowell & Sen. Cook & Sen. Vaughn, On behalf of all Senators)

**SB #119 aab SA 1** (3/30/04) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO NURSING AND SIMILAR FACILITIES. (Sponsors: Sen. Marshall & Rep. Maier; Sen. Blevins) (Volume 74, Chapter 212, Laws of Delaware.)

**SB #142** (3/30/04) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS AND THE SIGNING OF DEATH CERTIFICATES. (Sponsors: Sen. Marshall & Rep. Maier) (Volume 74, Chapter 213, Laws of Delaware.)

**HB #272** (3/30/04) – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE TO IMPLEMENT CODIFICATION OF INSURANCE REGULATION ACCOUNTING STANDARDS AS ADOPTED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. (Sponsors: Rep. Stone & Sen. Blevins) (Volume 74, Chapter 214, Laws of Delaware.)

**HJR #18** (3/30/04) – HONORING THE MEN AND WOMEN OF THE DELAWARE GUARD AND RESERVE FOR THEIR SERVICE IN THE WAR ON TERRORISM AND THE MEMBERS OF THE DELAWARE NATIONAL GUARD AND RESERVES EMERGENCY ASSISTANCE FUND BOARD OF TRUSTEES FOR THEIR FUNDRAISING AND FINANCIAL ASSISTANCE PROVIDED TO MEMBERS OF THE DELAWARE NATIONAL GUARD AND RESERVES AND THEIR FAMILIES. (Sponsors: Rep. George & Rep. Spence, On behalf of all Representatives; Sen. Henry & Sen. Still, On behalf of all Senators)

**HJR #22** (3/30/04) – CELEBRATING THE LIFE AND HONORING THE MEMORY OF THE LATE WILLIAM B. KEENE OF NEWARK WHO DEPARTED THIS LIFE ON FRIDAY, THE NINETEENTH OF MARCH 2004 AT THE AGE OF SEVENTY YEARS. (Sponsors: Rep. Ulbrich & Sen. Sokola; Reps. Spence, Smith, Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Valihura, Wagner, Gilligan, Van Sant, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Viola, Williams; Sens. Adams, McDowell, DeLuca, Blevins, Bunting, Cook, Henry, Marshall, McBride, Peterson, Vaughn, Venables, Still, Sorenson, Amick, Bonini, Cloutier, Connor, Copeland, Simpson)

**SB #163** (4/6/04) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE PENSION ADVISORY COUNCIL PLAN. (Sponsors: Sen. Marshall & Rep. Keeley; Rep. Oberle) (Volume 74, Chapter 215, Laws of Delaware.)

**SB #171** (4/6/04) – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES AND HAZARDOUS MATERIALS ENDORSEMENTS ON COMMERCIAL DRIVER LICENSES. (Sponsors: Sen. Henry & Rep. Ewing) (Volume 74, Chapter 216, Laws of Delaware.)

**SB #191 aab HA 2** (4/6/04) – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVER'S LICENSES AND COMMERCIAL MOTOR VEHICLES INCLUDING SCHOOL BUSES. (Sponsors: Sen. Henry & Rep. Plant; Reps. Ewing & Williams) (Volume 74, Chapter 217, Laws of Delaware.)

**SB #203 aab SA 1** (4/6/04) – 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, AUTHORIZING THE TOWN TO ADOPT SUBDIVISION REGULATIONS, AND IMPOSE IMPACT FEES. (Sponsors: Sen. Bunting & Rep. Hocker) (Volume 74, Chapter 218, Laws of Delaware.)

**SB #250** (4/6/04) – AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS TO PROVIDE FOR A ONE-TIME SALARY SUPPLEMENT FOR STATE EMPLOYEES FOR THE FISCAL YEAR ENDING JUNE 30, 2004. (Sponsors: Sen. Cook & Rep. DiPinto; Sens. DeLuca, Adams, Still & Sorenson; Reps. Spence, Reynolds & Gilligan; Sens. Blevins, Henry, Marshall, McBride, McDowell, Peterson, Sokola, Vaughn, Venables, Connor; Reps. Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lee, Lofink, Maier, Miro, Oberle, Quillen, Roy, Smith, Stone, Thornburg, Ulbrich, Valihura, Wagner, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf,

Van Sant, Viola, Williams) (Volume 74, Chapter 219, Laws of Delaware.)

**HB #304** (4/6/04) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE STUDENT TESTING PROGRAM. (Sponsors: Rep. Reynolds & Sen. Sokola; Reps. Booth, Buckworth, Carey, Fallon, George, Maier, Mulrooney, Oberle, Viola, Wagner; Sen. Simpson) (Volume 74, Chapter 220, Laws of Delaware.)

**HS 1 to HB #324** (4/6/04) – AN ACT TO AMEND THE FISCAL YEAR 2004 BOND AND CAPITAL IMPROVEMENTS ACT AND TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF BONDS AND NOTES OF THE STATE OF DELAWARE. (Sponsors: Rep. Roy & Sen. Venables; Reps. Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner, Mulrooney; Sens. Blevins, Cook, DeLuca, Connor, Simpson) (Volume 74, Chapter 221, Laws of Delaware.)

**HJR #23** (4/6/04) – THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2004. (Sponsors: Rep. DiPinto & Rep. Hudson)

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At 03:06 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twentieth Legislative Day.

**20th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
APRIL 08, 2004**

The Senate convened at 03:06 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Venables followed by a moment of silence for Anthony Roberts who was killed in Iraq and then 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 objection.

Senator McDowell yields to Senator Adams.

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered.

**Nancy Shevock:** 21 Senator(s) voting YES, therefore, the Appointment was declared CONFIRMED.

Senator Connor marked present during the above roll call.

**P. David Brumbaugh:** 21 Senator(s) voting YES; therefore, the Appointment was declared CONFIRMED.

**Michael Patrick Cebrick:** 20 Senator(s) voting YES, 1 (Venables) ABSENT; therefore, the Appointment was declared CONFIRMED.

**Thomas Castaldi:** 20 Senator(s) voting YES, 1 (Venables) ABSENT; therefore, the Appointment was declared CONFIRMED.

**SB 216** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 216** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", TO AMEND SECTION 30, ENUMERATION OF POWERS, BY ADDING AUTHORITY FOR COLLECTION OF COSTS IN ENFORCEMENT ACTIONS AS A NEW SUBSECTION DESIGNATED (48).

Roll call vote on **SB 216** was taken and revealed:

YES: 21.

**SB 216** was declared passed the Senate and sent to the House for Consideration.

**SB 217** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 217** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", TO AMEND SECTION 3, ANNEXATION OF TERRITORY, BY MODIFYING THE PROVISIONS TO CLARIFY PROCEDURES, ELIGIBILITY TO VOTE, AND TO PROVIDE FOR ANNEXATION AGREEMENTS AND CONTIGUITY OF NATURAL FEATURES.

Roll call vote on **SB 217** was taken and revealed:

YES: 21.

**SB 217** was declared passed the Senate and sent to the House for Consideration.

**HB 175** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 175** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DNA ANALYSIS AND DATA BANK.

**SA 1 to HB 175** was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to HB 175** was taken and revealed:

YES: 21.

**SA 1 to HB 175** was declared part of the bill.

**HB 175 w/SA 1** was now before the Senate.

Roll call vote on **HB 175 w/SA 1** was taken and revealed:

YES: 21.

**HB 175 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**HJR 19** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HJR 19** - EXTENDING THE REPORTING DATE OF THE TASK FORCE EXAMINING EARLY CHILDHOOD EDUCATION PROGRAMS ESTABLISHED BY HOUSE JOINT RESOLUTION NO. 9, AS AMENDED.

Roll call vote on **HJR 19** was taken and revealed:

YES: 21.

**HJR 19** was declared passed the Senate and returned to the House.

**SB 212** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 212** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ELECTRICAL EXAMINERS.

Roll call vote on **SB 212** was taken and revealed:

YES: 21.

**SB 212** was declared passed the Senate and sent to the House for Consideration.

**HJR 20 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HJR 20 w/HA 1** - COMMENDING THE TASK FORCE ON CHRONIC ILLNESS, DISEASE MANAGEMENT AND PREVENTION AND EXTENDING THE DATE BY WHICH THE TASK FORCE IS TO ISSUE ITS FINAL REPORT.

Roll call vote on **HJR 20 w/HA 1** was taken and revealed:

YES: 21.

**HJR 20 w/HA 1** was declared passed the Senate and returned to the House.

**SB 165 w/SA 1** was Lifted from the Table and brought before the Senate for consideration on the motion of Senator Still.

**SB 165 w/SA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL USE OF SOUND DEVICES.

**SA 2 to SB 165** was brought before the Senate for consideration on the motion of Senator McBride.

Senator Sokola questioned the sponsor.

Senator McBride requested personal privilege of the floor for Timothy Willard, Senate Attorney.

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

Roll call vote on **SA 2 to SB 165** was taken and revealed:

YES: 13

NO: Senator(s) Amick, Bonini, Cloutier, Connor, Copeland, Simpson, Sorenson, Still - 8.

**SA 2 to SB 165** was declared part of the bill.

**SA 3 to SB 165** was brought before the Senate for consideration on the motion of Senator Still.

Senators Bonini and Sokola questioned the sponsor.

Senator Still requested personal privilege of the floor for Richard Dillard, Senate Attorney.

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

Senator Blevins commented on the amendment.

Roll call vote on **SA 3 to SB 165** was taken and revealed:

YES: 10

NO: Senator(s) Blevins, Bonini, Henry, McBride, Peterson, Sokola, Venables - 7.

NOT VOTING: Senator(s) Marshall - 1.

ABSENT: Senator(s) Bunting, Cook, DeLuca - 3.

**SA 3 to SB 165** was declared Defeated.

Senator Still moved to Lay **SB 165 w/SA 1 & SA 2** on the Table. No objection.

Senator McDowell yields to Senator Sokola.

**HCR 60** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 60** - RECOGNIZING THE WEEK OF APRIL 19-23 AS SCHOOL BUILDING WEEK AND APRIL 23, 2004 AS SCHOOL BUILDING DAY. Sponsor: Rep. Miro On behalf of all Representatives and Sen. Sokola, On behalf of all Senators.

Roll call vote on **HCR 60** was taken and revealed:

YES: 21.

**HCR 60** was declared passed the Senate and returned to the House.

Senator Peterson requested **SB 53** be considered for the purpose of overriding its veto.

Senator McDowell objected.

Senator Bonini questioned the forthcoming roll call on the motion.

Roll call on motion to consider **SB 53** was taken and revealed:

YES: 4

NO: Senator(s) Adams, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Simpson, Still, Vaughn, Venables - 11.

NOT VOTING: Senator(s) Amick, Bunting, Cloutier, Connor, Copeland, Sorenson - 6.

Motion to consider **SB 53** was Defeated.

Senator Peterson commented.

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

The Secretary of the Senate announced the agenda for April 27, 2004.

On motion of Senator McDowell, the Senate recessed at 04:14 PM until April 27, 2004 at 02:00 PM.

The Senate reconvened at 03:31 PM on April 27, 2004, with Lt. Governor John Carney presiding.

The Secretary of the Senate announced a message from the Governor to Lt. Governor Carney informing him of her intent to submit the name of Justice Myron T. Steele to the Senate for confirmation and appointment as the Chief Justice of the Supreme Court of the State of Delaware.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 389; HB 362; HB 358 w/HA 1; HB 341; HCR 59; HB 361; HB 356; SB 223 w/SA 1; HB 330 w/HA 1 & 2; HCR 60; SCR 32.**

At 03:34 on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-First Legislative Day

**21st LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
APRIL 27, 2004**

The Senate convened at 03:34 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 objection.

Senator McDowell yields to Senator McBride.

Senator McBride requested personal privilege of the floor for Dr. Charles P. Casey, representing the American Chemical Society.

The witness was excused after addressing the Senate.

Senator Still requested that **SB 165 w/SA 1 & SA 2** be Lifted from the Table and brought before the Senate for Consideration.

**SA 4 to SB 165** was brought before the Senate for consideration on motion of Senator Still.

Senator Still request that Representative Buckworth be added as a co-sponsor to the bill.

Senator Still requested personal privilege of the floor for Richard Dillard, Senate Attorney.

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

Roll call vote on **SA 4 to SB 165** was taken and revealed:

YES: 21.

**SA 4 to SB 165** was declared part of the bill.

**SB 165 w/SA 1, SA 2 & SA 4** was now before the Senate.

Senator Bonini commented on the bill.

Roll call vote on **SB 165 w/SA 1, SA 2 & SA 4** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**SB 165 w/SA 1, SA 2 & SA 4** 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.

Senator DeLuca requested to be added as a co-sponsor of **SB 220**.

The Secretary of the Senate announced the agenda for April 28, 2004.

On motion of Senator McDowell, the Senate recessed at 04:06 PM until April 28, 2004 at 03:00PM

The Senate reconvened at 03:25 PM on April 28, 2004, with Lt. Governor Carney presiding.

The Reading Clerk announced a message from the House informing the Senate that it had passed **HB 374; HCR 44 w/HA 1; HCR 62; SB 183**.

At 03:25 PM on motion of Senator McDowell, the Senate adjourned and immediately convened with the Twenty-Second Legislative Day.

**22nd LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
APRIL 28, 2004**

The Senate reconvened at 03:25 PM with Lt. Governor Carney presiding.

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

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

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

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

Senator McDowell yields to Senator Adams.

Senator Adams request personal privilege of the floor for Alan V. Sokolow, representing Council of State Governments, Eastern Region. Mr. Sokolow introduced the members of CSG Staff, Wendell Hannaford, Rona Cohen, Marge Kickelly and David Ewing. The witness was excused after addressing the Senate.

Senator McDowell yields to Senator Henry.

Senator Henry marked present.

Senator Henry introduced Margaret Crosby an Advocate for Education for all of Delaware children.

Senators Connor and Marshall were marked present.

Senator McDowell moved to recess for Party Caucus at 03:35 PM.

The Senate convened at 04:43 PM with Lt. Governor Carney presiding.

On motion of Senator Sokola **SR 22** was Lifted from the Table and brought before the Senate for Consideration.

**SR 22** - TO DECLARE THE MONTH OF APRIL TO BE AUTISM AWARENESS MONTH AND APRIL 28, 2004 TO BE AUTISM AWARENESS DAY IN DELAWARE.

Senator Sokola requested personal privilege of the floor for Rob Gilsdorf, Chair and Artie Kempner, President of Autism Society of Delaware.

The witnesses were excused after addressing the Senate.

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

YES: 21.

**SR 22** was declared Adopted.

On motion of Senator Cook, **SB 255** was Lifted from the Table and brought before the Senate for consideration, under the suspension of the necessary rules.

**SB 255** - AN ACT TO AUTHORIZE THE POSSESSION OF CERTAIN HISTORICALLY AUTHENTIC WEAPONS FOR A LIVING HISTORY RE-ENACTMENT TO BE HELD MAY 5, 2004 THROUGH MAY 11, 2004.

Senator Bonini requested to be added as a co-sponsor to the bill.

Senator McDowell commented.

Roll call vote on **SB 255** was taken and revealed:

YES: 21.

**SB 255** was declared passed the Senate and sent to the House for Consideration.

The Reading Clerk announced a message from the House informing the Senate that it had passed **HB 328; HB 366; HB 396**.

Senator McDowell yields to Senator Bunting.

**HB 396** was brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator Bunting.

**HB 396** - AN ACT MAKING A SUPPLEMENTAL GENERAL FUND APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF TWO MILLION FIVE HUNDRED SEVENTY THOUSAND DOLLARS AND WAIVING RELATED STATUTES FOR THE EXPEDITED CONSTRUCTION OF A DELAWARE VETERANS HOME.

Sponsor: Rep. Spence & Senator Bunting, Rep. Roy, Senator Venables; Reps. Smith, Gilligan, Cathcart, Atkins, Booth, Boulden, Buckworth, Carey, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Quillen, Reynolds, Schwartzkopf, Stone, Thornburg, Ulbrich, Valihura, Van Sant, Viola, Wagner, Williams; Sens. Adams, Still, Vaughn, Amick Blevins Bonini, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson.

Roll call vote on **HB 396** was taken and revealed:

YES: 21.

**HB 396** was declared passed the Senate and returned to the House.

Senator McDowell yields to Senator Vaughn.

Senator Vaughn requested the personal privilege of the floor for an introduction of Mr. Goff, Vice Commander of the American Legion of Delaware.

Senator McDowell yields to Senator Connor.

**SB 220** was brought before the Senate for consideration on the motion of Senator Connor.

**SB 220** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES.

**SA 1 to SB 220** was brought before the Senate for consideration on motion of Senator Connor.

Senator Connor request personal privilege of the floor for Stephen G. Treut, representing Delaware Department of Transportation.

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

Roll call vote on **SA 1 to SB 220** was taken and revealed:

YES: 21.

**SA 1 to SB 220** was declared part of the bill.

**SB 220 w/SA 1** was now before the Senate.

Several Senators commented on the bill as amended.

Roll call vote on **SB 220 w/SA 1** was taken and revealed:

YES: 19

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

**SB 220 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator McDowell yields to Senator Bunting.

Senator Bunting requested that the Secretary of Senate read the committee vote on **HB 396**.

The Secretary of the Senate read the Veterans Affairs Committee vote of 7 Favorable on **HB 396**.

Senator Bunting requested personal privilege of the floor for an introduction of Mr. Don White of the American Legion, who was involved with the bill.

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

The Secretary of the Senate announced the agenda for April 29, 2004.

On motion of Senator McDowell, the Senate recessed at 05:28 PM until April 29, 2004 at 02:30 PM.

The Senate reconvened at 03:07 PM on April 29, 2004, with Lt. Governor Carney presiding.

The Reading Clerk announced a message from the House informing the Senate that it had passed **HCR 61; HCR 64; HB 128**.

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

Michael F Metcalf, Sr.  
210 Tinsley Court  
Newark, DE 19702

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

Zane Q. Robinson  
2059 Millington Road  
Clayton, DE 19938

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

Joan S. Samonisky  
8 South Townview Lane  
Newark, DE 19711

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

Susan Kline Spilecki  
1105 Faun Road  
Wilmington, DE 19803

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

Ted. C. Williams  
8 Cardow Court  
Wilmington, DE 19808

To be reappointed a member of the  
Delaware Interscholastic Athletic  
Association to serve a term to expire 3 years  
from Senate confirmation

\* \* \*

At 03:08 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-Third Legislative Day.

**23rd LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
APRIL 29, 2004**

The Senate convened at 03:08 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.

**SENATE CITATION ANNOUNCEMENT #6**, S142-509 – 563 inclusive was introduced and a copy made available to each Senator.

Senator McDowell yields to Senator Henry.

**SR 23** was brought before the Senate for consideration on the motion of Senator Henry.

**SR 23** - COMMENDING DELAWARE TECHNICAL AND COMMUNITY COLLEGE'S WILMINGTON CAMPUS ON ITS PEER ASSOCIATE STUDENT ASSISTANCE PROGRAM. Sponsor: Sen. Henry

On motion of Senator Henry the Senate Reading Clerk read lines 1 through 12.

Senator Henry introduced Louis C. Vangieri & Karen Miller and requested personal privilege of the floor for them along with Rebecca A. Walstrum, Zara T. Butalid, Brooke A. Ramsey, Robin Metobo, Rachel Marvel, Kenneth Pino, Arnold Ochiery, Jatinder Kumar, Rhoda Simpson & Yugal Peshgi, representing Delaware Technical & Community College.

Senator Henry presented certificates of recognition to each student.

Roll call vote on **SR 23** was taken and revealed:

YES: 18

ABSENT: Senator(s) Connor, Sorenson, Still - 3.

**SR 23** was declared Adopted.

Senator McDowell yields to Senator Peterson.

**SS 1 for SB 204** was Lifted from the Table and brought before the Senate for Consideration on motion of Senator Peterson.

**SS1 for SB 204** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOLS.

Senator Peterson requested **SA 1 to SS 1 for SB 204** be Stricken. No objection.

**SA 2 to SS 1 for SB 204** was brought before the Senate for consideration on the motion of Senator Peterson.

Senator Peterson commented on the amendment.

Several Senators commented.

Roll call vote on **SA 2 to SS 1 for SB 204** was taken and revealed:

YES: 18

NO: Senator(s) Vaughn - 1.

ABSENT: Senator(s) Connor, Sorenson - 2.

**SA 2 to SS 1 for SB 204** was declared part of the bill.

Senator Still marked present during the above roll call.

**SS 1 for SB 204 w/SA 2** was now before the Senate.

Roll call vote on **SS 1 for SB 204 w/SA 2** was taken and revealed:

YES: 11

NO: Senator(s) Amick, Bonini, Cloutier, Copeland, Simpson, Still, Vaughn, Venables - 8.

ABSENT: Senator(s) Connor, Sorenson - 2.

**SS 1 for SB 204 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**SS 1 for SB 86** was brought before the Senate for consideration, under suspension of the necessary rules, on the motion of Senator Blevins.

**SS 1 for SB 86** AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.

**SA 1 to SS 1 for SB 86** was brought before the Senate for consideration on motion of Senator Blevins.

Roll call vote on **SA 1 to SS 1 for SB 86** was taken and revealed:

YES: 19

ABSENT: Senator(s) Connor, Sorenson - 2.

**SA 1 to SS 1 for SB 86** was declared part of the bill.

**SA 2 to SS 1 for SB 86** was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 2 to SS 1 for SB 86** was taken and revealed:

YES: 19

ABSENT: Senator(s) Connor, Sorenson - 2.

**SA 2 to SS 1 for SB 86** was declared part of the bill.

**SS 1 for SB 86 w/SA 1 & SA 2** was now before the Senate.

Senator Blevins commented on the bill.

Senator Blevins requested personal privilege of the floor for Michael Kriner, representing Delaware Association for Addiction Professional.

Senators Amick and Blevins questioned the witness, after which the witness was excused.

Senator Blevins moved to Lay **SS 1 for SB 86 w/SA 1 & SA 2** on the Table. No objections.

**SB 240** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 240** - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES LOCATED IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT AND RESTATING THAT THE ACT APPLIES TO TOWNS AND CITIES THROUGHOUT THE STATE WITH POPULATIONS IN EXCESS OF 50,000 PEOPLE.

Senator Venables requested personal privilege of the floor for David Swayze, representing Carl Freeman & Assoc.

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

Several Senators commented on the bill.

Senator Simpson requested personal privilege of the floor once again for David Swayze.

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

Senators Venables, McDowell and Simpson commented on the bill.

Senator Venables moved to Lay **SB 240** on the Table. No objections.

Senator Bonini commented.

**SENATE CONSENT CALENDAR #11** was introduced and considered for adoption on motion of Senator McDowell. The calendar included the following Resolutions:

**SCR 34** - TO ESTABLISH A TASK FORCE ON COMMUNITY CORRECTIONS FOR THE PURPOSE OF OFFERING RECOMMENDATIONS TO THE DELAWARE GENERAL ASSEMBLY ON USING COMMUNITY CORRECTIONS AS A SAFE AND COST-EFFECTIVE ALTERNATIVE TO INCARCERATION. Sponsors: Senator Henry & Senator Sorenson; Sens. Sokola, McDowell, Marshall, Peterson, Simpson, Copeland, Blevins; Reps. Keeley & Viola.

**SCR 35** - DECLARING THE MONTH OF MAY 2004 AS MENTAL HEALTH AWARENESS MONTH, AND THE FIRST WEEK OF MAY AS CHILDREN'S MENTAL HEALTH AWARENESS WEEK. Sponsors: Senators McDowell, Blevins, Sokola on behalf of all Senators; Reps. Reynolds & Maier on behalf of all Representatives.

**SCR 36** - ESTABLISHING THE MONTH OF MAY 2004 AS AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH. Sponsors: Senator Blevins on behalf of all Senators; Rep. Maier on behalf of all Representatives.

**HCR 44 w/HA 1** - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE PRESERVATION OF THE UNITED STATES AUTOMOBILE INDUSTRY. Sponsors: Reps. Oberle, Maier, Spence, Lofink, Reynolds, George & Viola; Senators Blevins, Amick and DeLuca.

**HCR 59** - COMMENDING ALL THE PARTICIPANTS OF THE DELMARVA POULTRY INDUSTRY, INC.'S EMERGENCY POULTRY DISEASE TASK FORCE FOR THEIR PROFESSIONAL, COORDINATED RESPONSE TO THE RECENT OUTBREAK OF AVIAN INFLUENZA IN THE FIRST STATE. Sponsors: Rep. Lee on behalf of all Representatives and Senator Venables on behalf of all Senators.

On motion of Senator Simpson **HCR 44 w/HA 1** was removed.

On motion of Senator Vaughn **SCR 34** was removed.

A roll call vote was taken on the remaining **SENATE CONSENT CALENDAR #11** and revealed 17 Senators voting YES, 4 ABSENT (Bunting, Connor, McBride, Sorenson); therefore, **Senate Consent Calendar** was declared Adopted. The House Concurrent Resolution was returned to the House and the Senate Concurrent Resolutions were sent to the House for Consideration.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
April 28, 2004**

**April 7, 2004**

**SA 1 to HB 175** - Sponsor: Sen. Blevins; Placed with the Bill.

**SB 253** - AN ACT TO KEEP MEMBERS OF THE GENERAL ASSEMBLY FROM RECEIVING THE SUPPLEMENT AUTHORIZED BY THE ENACTMENT ON APRIL 7, 2004 OF SENATE BILL NO. 250 OF THE 142ND GENERAL ASSEMBLY. Sponsor: Sen. Bonini; **Finance**.

**April 8, 2004**

**SB 254** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STUDENT PHYSICAL ACTIVITY REQUIREMENTS. Sponsors: Sen. Bunting & Rep. Ulbrich; Sens. Sokola, Sorenson; Reps. DiPinto, Gilligan, Maier, Miro, Hocker, Hudson, Fallon; **Education**.

**SB 256** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING. Sponsors: Sen. Venables & Rep. B. Ennis; Sens. Blevins, DeLuca, McBride, Bonini, Simpson, Still; Reps. Carey, Lee, Van Sant; **Small Business**.

**SB 255** - AN ACT TO AUTHORIZE THE POSSESSION OF CERTAIN HISTORICALLY AUTHENTIC WEAPONS FOR A LIVING HISTORY RE-ENACTMENT TO BE HELD MAY 5, 2004 THROUGH MAY 11, 2004. Sponsors: Sen. Cook & Vaughn; Sens. Cloutier, Copeland; Reps. D. Ennis & Smith; **LOT List**.

**SS 1 to SB 86** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. Sponsors: Sen. Blevins & Sen.

Sorenson; Rep. Maier; Sens. Henry, Peterson; Reps. Oberle, Spence, Hudson, Keeley. **Adopted in Lieu of the Original.**

**SB 257** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION. Sponsors: Sen. Cook & Rep. Smith; Sens. Adams, DeLuca; Reps. Hudson, Gilligan; **Finance.**

**April 20, 2004**

**HB 353 w/HA 1** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE. Sponsors: Rep. Spence & Sen. Vaughn; **Labor & Industrial Relations.**

**April 27, 2004**

**HB 208 w/HA 1** - Reassigned - **Sunset.**

**SR 22** - TO DECLARE THE MONTH OF APRIL TO BE AUTISM AWARENESS MONTH AND APRIL 28, 2004 TO BE AUTISM AWARENESS DAY IN DELAWARE. Sponsor: Sen. Sokola; On behalf of all Senators; **LOT List.**

**April 28, 2004**

**SA 1 to HB 317** - Sponsor: Sen. DeLuca; Placed with the Bill.

**SA 1 to HCR 45** - Sponsor: Sen. Vaughn; Placed with the Bill.

**April 29, 2004**

**SA 1 to HB 208** - Sponsor: Sen. McBride; Placed with the Bill.

**SA 1 to SB 247** - Sponsor: Sen. Henry; Placed with the Bill.

**SA 1 to SS 1 for SB 86** - Sponsor: Sen. Blevins; Sorenson; Placed with the Bill.

**SB 258** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES. Sponsor: Sen. Bunting; **Agriculture.**

**SB 259** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ABANDONED VEHICLES. Sponsor: Sen. Bunting; **Agriculture.**

**SB 260** - AN ACT TO AMEND TITLES 6 AND 21 OF THE DELAWARE CODE RELATING TO AIR BAG SAFETY Sponsors: Sen. Henry & Rep. Buckworth; Sens. Peterson, Sokola, Venables; Reps. Ewing, Keeley, Oberle, Spence; **Public Safety.**

**SB 261** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING. Sponsors: Sen. Blevins & Rep. Maier; Sens. Bonini, Cloutier, Henry, Sokola, Connor; Reps. Buckworth, DiPinto, B. Ennis, Ewing, George, Keeley, Schwartzkopf, Van Sant, Viola; **Health & Social Services.**

**SB 262** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF HARASSMENT. Sponsors: Sen. Blevins & Rep. Hudson; **Judiciary.**

**HB 328** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY GOVERNMENTS AND CONTRACTS FOR PUBLIC WORKS OR GOODS. Sponsors: Rep. Ewing & Sen. Adams; **Executive.**

**HB 330 w/HA 1 & HA 2** - AN ACT TO REINCORPORATE THE TOWN OF TOWNSEND. Sponsors: Rep. Hall-Long & Sen. Vaughn; **Community/County Affairs.**

**HB 341** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH AND WELFARE. Sponsors: Rep. Miro & Sen. Peterson; Reps. Hudson, Oberle, Sen. Amick; **Community/County Affairs.**

**HB 356** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX. Sponsors: Rep. Lee, B. Ennis, Sen. Bunting, & Sen. Connor; Reps. Booth, Boulden, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Reynolds, Thornburg, Ulbrich, Valihura, Van Sant, George, Hall-Long, Houghton, Keeley, Mulrooney, Schwartzkopf, Viola; Sens. Adams, Cook, Vaughn, Venables, Still, Sorenson, Amick, Bonini, Simpson; **Finance.**

**HB 358 w/HA 1** - AN ACT TO AMEND TITLE 11 RELATING TO THE ESTABLISHMENT OF A SPECIAL COMMISSION ON CRIMINAL JUSTICE. Sponsors: Rep. Spence & Sen. Adams; Reps. Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart,

Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, Van Sant, B. Ennis, George, Hall-Long, Houghton, Keeley, Plant, Schwartzkopf, Viola, Williams; Sens. McDowell, Still, Sorenson; **Finance**.

**HB 361** - AN ACT TO AMEND TITLES 7 AND 21 OF THE DELAWARE CODE RELATING TO PARKING. Sponsors: Rep. Wagner & Sen. Henry; Reps. Spence, Buckworth, Thornburg, Plant, Schwartzkopf; **Public Safety**.

**HB 362** - AN ACT AMENDING TITLE 27 OF THE DELAWARE CODE RELATING TO THE ELECTION OF TRUSTEES OF RELIGIOUS SOCIETIES AND CORPORATIONS. Sponsors: Rep. Smith & Sen. Bunting; **Judiciary**.

**HB 366** - AN ACT TO AMEND CHAPTER 237, VOLUME 51, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE TREASURER. Sponsors: Rep. Ewing; & Sen. Adams; **Executive**.

**HB 374** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES. Sponsors: Rep. Stone & Sen. Blevins; **Insurance & Elections**.

**HB 389** - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR THE CONSTRUCTION OF A VETERANS HOME FACILITY. Sponsors: Reps. Spence, Cathcart, Atkins; Sen. McBride; Reps. Smith, Lee, Booth, Boulden, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Van Sant, B. Ennis, George, Hall-Long, Houghton, Mulrooney, Williams; Sens. Bunting, Peterson, Vaughn, Still, Sorenson, Amick, Bonini, Cloutier, Connor, Copeland; **Veterans Affairs**.

**SB 263** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF FENWICK ISLAND, DELAWARE, CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, TO AMEND SECTION 4, GOVERNMENT, BY ADDING THE DESIGNATION OF "MAYOR" TO THE POSITION OF "PRESIDENT OF COUNCIL". Sponsor: Sen. Bunting & Rep. Hocker; **Community/County Affairs**.

**HB 128** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GREAT SEAL OF THE STATE. Sponsors: Rep. Smith & Sen. Cook; **Executive**.

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

Mary M. McDonough  
251 Waverly Road  
Wilmington, DE 19803

To be appointed  
Commissioner of the Court of  
Common Pleas to serve a term to  
expire 4 years from the date of  
swearing in.

Justice Myron T. Steele  
2898 West Denney's Road  
Dover, DE 19940

To be appointed Chief Justice  
of the Supreme Court of the  
State of Delaware to serve a term to  
expire 12 years from the date of  
swearing in.

\* \* \*

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

The Secretary announced the agenda for May 04, 2004.

On motion of Senator McDowell, the Senate recessed at 05:43 PM until May 04, 2004 at 02:00 PM

The Senate reconvened at 03:19 PM on May 04, 2004, with Lt. Governor presiding.

The Secretary announced a message from the House informing the Senate that it had passed

**HCR 67.**

**HCR 67** was brought before the Senate for consideration on motion of the floor manager, Senator Adams.

**HCR 67** - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2004 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsor: Rep. Spence On behalf of all Representatives; Sen. Adams, On behalf of all Senators.

Roll call vote on **HCR 67** was taken and revealed.

YES: 18

ABSENT: Senators Cook, Sokola, Still – 3

**HCR 67** was declared Adopted by the Senate and returned to the House.  
Senators Connor and Sorenson marked present during the above roll call.  
At 03:23 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-Fourth Legislative Day.

**24th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MAY 04, 2004**

The Senate convened at 03:23 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.

A communication from the Office of Senator Dorinda A. Connor was read requesting her name be added as a co-sponsor of **SR 8**.

Senator McDowell yields to Senator Sokola.

**SB 244** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 244** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

**SA 1 to SB 244** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 1 to SB 244** was taken and revealed:

YES: 20

ABSENT: Senator Still - 1.

**SA 1 to SB 244** was declared part of the bill.

Senator Cook marked present during the above roll call.

**SB 244 w/SA 1** was now before the Senate.

Senator Connor questioned the sponsor.

Senator Sokola requested the personal privilege of the floor for Mr. Arthur Ericson, representing DMV.

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

Senator McBride questioned the sponsor.

Senator Sokola requested personal privilege of the floor for Ms. Trish Roberts, representing Office of Highway Safety.

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

Senators Amick, Sokola and Bunting commented on the bill.

Senator Simpson requested his name be added as a co-sponsor of **SB 244 w/ SA 1**.

Roll call vote on **SB 244 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator Still - 1.

**SB 244 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 03:57 PM.

The Senate reconvened at 05:24 pm with Lt. Governor Carney presiding.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 340; HCR 66; HCR 63; SB 255**.

Senator McDowell yields to Senator Sokola.

**HCR 63** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 63** - COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION'S SCHOLARS OF 2004. Sponsor: Rep. Reynolds & Sen. Sokola

Senator Sokola commented on the resolution.

Roll call vote on **HCR 63** was taken and revealed:

YES: 20

ABSENT: Senator(s) Still - 1.

**HCR 63** was declared passed the Senate and returned to the House.

**HCR 66** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 66** - DEDICATING MAY 4, 2004 AS TEACHER APPRECIATION DAY. Sponsor: Rep. Viola & Rep. George & Rep. Reynolds & Sen. Sokola; Reprs. Buckworth, B. Ennis, Fallon, Gilligan, Hall-Long, Houghton, Keeley, Maier, Miro, Mulrooney, Oberle, Plant, Schwartzkopf, Spence, Thornburg, Van Sant, Williams; Sens. Adams, Blevins, Bunting, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Sorenson, Venables.

Senator Sokola commented on the resolution.

Roll call vote on **HCR 66** was taken and revealed:

YES: 20

ABSENT: Senator(s) Still - 1.

**HCR 66** was declared passed the Senate and returned to the House.

Senator McDowell yields to Senator Venables.

Senator Venables requested that **SB 240** be Lifted from the Table and brought before the Senate for Consideration.

**SB 240** - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES LOCATED IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT AND RESTATING THAT THE ACT APPLIES TO TOWNS AND CITIES THROUGHOUT THE STATE WITH POPULATIONS IN EXCESS OF 50,000 PEOPLE.

Senator(s) Venables, Bonini and DeLuca commented.

Roll call vote on **SB 240** was taken and revealed:

YES: 11

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

ABSENT: Senator(s) Still - 1.

**SB 240** was declared Defeated.

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

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
5/4/2004**

**April 29, 2004**

**SB 264** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL SERVICES SYSTEMS. Sponsors: Sen. Blevins & Rep. Maier; Sens. Connor, Henry, McDowell, Peterson, Sorenson; Rep. Hall-Long; **Health & Social Services**.

**SB 265** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES. Sponsors: Sen. McDowell & Rep. Maier; Sens. Blevins, Cloutier, Connor, Henry, Sokola, Sorenson; Reprs. Buckworth, Fallon, George, Hall-Long, Hudson, Keeley, Mulrooney, Oberle, Schwartzkopf, Ulbrich, Valihura, Van Sant, Viola, Wagner; **Children; Youth & Families**.

**SB 266** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO EXPUNGEMENTS. Sponsors: Sen. McDowell & Reprs. Wagner & Spence; Sens. Venables, Blevins, Henry, Peterson, Simpson, Sorenson; Reprs. D. Ennis, Fallon, Keeley & Maier;

**Judiciary.**

**SB 267** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS. Sponsors: Sen. Marshall & Keeley; Sen. Blevins; Rep. Plant; **Insurance & Elections**.

**SB 268** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO RECOVERY OF OVERPAYMENT OF PUBLIC ASSISTANCE PAYMENTS. Sponsors: Sen. Blevins & Rep. Maier; Sens. Connor, Henry, McDowell, Peterson, Sorenson; Rep. Hall-Long; **Health & Social Services**.

**SB 269** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DONATED LEAVE PROGRAM. Sponsor: Sens. Sokola & Henry; Sens. Simpson, Still & Rep. Reynolds; **Finance**.

**SB 270** - AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE RELATING TO SPEECH/LANGUAGE PATHOLOGIST INCENTIVE LOANS. Sponsor: Sens. Sokola & Henry; Sen. Copeland & Rep. Reynolds; **Education**.

**SB 271** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC ATTENDANCE OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH. Sponsors: Sen. Henry & Sokola; Sens. Simpson, Copeland; Reps. Reynolds & Miro; **Education**.  
**May 4, 2004**

**SB 245** - Reassigned to **Natural Resources**

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The Secretary announced the agenda for May 5, 2004.

On motion of Senator McDowell, the Senate recessed at 05:40 PM until May 5, 2004 at 03:30 PM.

The Senate reconvened at 04:03 PM on May 5, 2004, with Lt. Governor Carney presiding. Senator Still marked present.

The following committee reports were announced:

From Executive: **Justice Myron T. Steele** – 4 Favorable, 2 Merits; **Mary M. McDonough** – 6 Favorable; **Susan Spilecki** – 6 Merits; **Ted Williams** – 6 Merits; **Joan Samonisky** – 6 Merits; **Zane Q. Robinson** – 1 Favorable, 5 Merits; **Michael F. Metcalf, Sr.** – 6 Merits; **HB 366** – 2 Favorable, 4 Merits; **HB 328** – 2 Favorable, 4 Merits.

From Community/County Affairs: **HB 341** – 3 Merits; **SB 263** – 3 Merits; **HB 330 w/HA 1 & 2** – 3 Merits.

From Agriculture: **HB 282 w/HA 1** - 4 Favorable.

From Education: **SB 270** – 5 Merits; **SB 271** - 5 Merits.

At 04:07 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-fourth Legislative Day.

**25th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MAY 05, 2004**

The Senate convened at 04:07 PM with Lt Governor Carney presiding.

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

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

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

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

Senator McDowell yields to Senator Adams.

Senator Adams requested a moment of silence in memory of Edie Hemphill, Kent County Clerk of the Peace.

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered.

**Mary McDonough:** 21 Senator(s) voting YES. Appointment CONFIRMED.

Senator McBride marked present during the above roll call.

**Justice Myron Steele:** 20 Senator(s) voting YES, 1 (Simpson) NO. Appointment CONFIRMED.

Senator McDowell yields to Senator Adams.

**HB 328** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 328** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY GOVERNMENTS AND CONTRACTS FOR PUBLIC WORKS OR GOODS.

Roll call vote on **HB 328** was taken and revealed:

YES: 21.

**HB 328** was declared passed the Senate and returned to the House.

**HB 366** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 366** - AN ACT TO AMEND CHAPTER 237, VOLUME 51, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE TREASURER.

Roll call vote on **HB 366** was taken and revealed:

YES: 21.

**HB 366** was declared passed the Senate and returned to the House.

**HB 330 w/HA 1 & HA 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 330 w/HA 1 & HA 2** - AN ACT TO REINCORPORATE THE TOWN OF TOWNSEND.

Senator McDowell questioned the sponsor.

Senator Sokola requested personal privilege of the floor for Mr. Francis Murphy, Senate Attorney.

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

Several Senators commented.

Senator Sokola requested personal privilege of the floor once again for Mr. Francis Murphy, Senate Attorney.

Mr. Murphy addressed the Senate, after which he was excused.

Senator McDowell commented.

Roll call vote on **HB 330 w/HA 1 & HA 2** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1.

**HB 330 w/HA 1 & HA 2** was declared passed the Senate and returned to the House.

**SB 263** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 263** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF FENWICK ISLAND, DELAWARE, CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, TO AMEND SECTION 4, GOVERNMENT, BY ADDING THE DESIGNATION OF "MAYOR" TO THE POSITION OF "PRESIDENT OF COUNCIL".

Senator Bunting commented.

Roll call vote on **SB 263** was taken and revealed:

YES: 21.

**SB 263** was declared passed the Senate and sent to the House for Consideration.

**HB 317 w/HA 1 & HA 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 317 w/HA 1 & HA 2** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO TAPROOMS AND TAVERNS.

Senator Venables requested Senator Sokola be the floor manager of the bill.

**SA 1 to HB 317** was brought before the Senate for consideration on the motion of Senator DeLuca.

Senator DeLuca commented on the amendment.

Senator(s) Bunting & Simpson questioned the sponsor.

Senator DeLuca requested the personal privilege of the floor for John Cordrey, Alcohol Beverage Control Commissioner.

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

Roll call vote on **SA 1 to HB 317** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**SA 1 to HB 317** was declared part of the bill.

**HB 317 w/HA 1, HA 2 & SA 1** was now before the Senate.

Senator Sokola commented on the bill.

Senator McDowell questioned the floor manager, after which Senator Sokola requested personal privilege of the floor for John Cordrey, Alcohol Beverage Control Commissioner.

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

Senator Bunting commented on the bill.

Roll call vote on **HB 317 w/HA 1, HA 2 & SA 1** was taken and revealed:

YES: 16

NO: Senator(s) Cook, Marshall, McBride, McDowell, Simpson - 5.

**HB 317 w/HA 1, HA 2 & SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**SB 276** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BENEFITS IN THE STATE EMPLOYEES’ PENSION PLAN. Sponsor: Sen. Bonini; Reps. Stone Buckworth, DiPinto, Ulbrich; **Finance**.

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

The Secretary announced the agenda for May 06, 2004.

On motion of Senator McDowell, the Senate recessed at 05:15 PM until May 06, 2004 at 02:30 PM.

The Senate reconvened at 02:59 PM on May 06, 2004, with Lt. Governor Carney presiding.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 65; HCR 68; HCR 69; SCR 35; SCR 36; HCR 70**.

The following committee reports were announced:

From Insurance and Elections: **SB 267** – 4 Merits.

From Public Safety: **SB 218** - 4 Merits; **SB 237** – 5 Merits; **SB 260** - 4 Merits; **HB 230** - 4 Merits; **HB 248** - 4 Merits; **HB 361** - 4 Merits.

From Children, Youth & Families: **SB 235** - 5 Merits; **SB 265** - 5 Merits.

At 03:01 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-sixth Legislative Day.

**26th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MAY 06, 2004**

The Senate convened at 03:01 PM with Lt. Governor Carney presiding.

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

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

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

The journal of the previous day was approved as read on motion of Senator McDowell.

No objections.

Senator McDowell requested the personal privilege of the floor for the purpose of introducing Chien-Yen Wang & Liang-Ruey Ke from Tiawan.

Senator McDowell yields to Senator Sokola.

**SB 270** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 270** - AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE RELATING TO SPEECH/LANGUAGE PATHOLOGIST INCENTIVE LOANS.

Senator Amick questioned the sponsor.

Senator Sokola requested personal privilege of the floor for Susan Keene Haberstroh, representing Department of Education.

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

Senators Amick and Simpson questioned the sponsor.

Senator Sokola requested personal privilege of the floor once again for Susan Haberstroh, representing the Department of Education.

Senators Amick and Simpson questioned the witness, after which the witness was excused.

Senator Amick commented on the bill.

Roll call vote on **SB 270** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, McBride - 2.

**SB 270** was declared passed the Senate and sent to the House for Consideration.

Senator Connor marked present during the above roll call.

Senator McDowell yields to Senator Adams.

Senator Adams requested the Career & Technical Students be admitted to the chamber.

**HCR 70** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCR 70** - 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. Spence & Rep. Smith & Rep. Lee & Rep. Gilligan & Rep. Van Sant, On behalf of all Representatives & Sen. Adams & Sen. McDowell & Sen. DeLuca & Sen. Still & Sen. Sorenson, On behalf of all Senators.

Senator Adams request personal privilege of the floor for Frank Ingram, representing Department of Education. The following students Limaris Carrion, Nicole Curran, Aaron

Kinnari, Robert Cooper Jr. Andrew Lala and Dynez Bolden introduced themselves and addressed the Senate, after which they were excused. They presented geraniums to the members of the Senate.

Roll call vote on **HCR 70** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**HCR 70** declared passed the Senate and returned to the House.

Senator McBride marked present during the above roll call.

Senator Adams thanked Mr. Ingram and his students for visiting the chamber.

Senator McDowell moved to recess for Party Caucus at 03:37 PM.

The Senate reconvened at 04:56 PM with Lt. Governor Carney presiding.

Senator McDowell yields to Senator Marshall.

**SB 267** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 267** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

Senator Bonini commented on the bill.

Roll call vote on **SB 267** was taken and revealed:

YES: 17

ABSENT: Senator(s) Cook, DeLuca, Henry, Still - 4.

**SB 267** was declared passed the Senate and sent to the House for Consideration.

**HB 228** was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

**HB 228** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WAGE PAYMENT AND COLLECTION NOTIFICATION.

Roll call vote on **HB 228** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Still - 2.

**HB 228** was declared passed the Senate and returned to the House.

On motion of Senator McDowell **SB 109** was returned to the Ready List.

Senator DeLuca moved for the reconsideration of **SB 240**. No objection.

Senator Venables moved to rescind the roll call on **SB 240**.

**SB 240** - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES LOCATED IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT AND RESTATING THAT THE ACT APPLIES TO TOWNS AND CITIES THROUGHOUT THE STATE WITH POPULATIONS IN EXCESS OF 50,000 PEOPLE.

Senator Venables moved to Lay **SB 240** on the Table.

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

**SENATE CONSENT CALENDAR #12** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**HCR 44 w/HA 1** - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE PRESERVATION OF THE UNITED STATES AUTOMOBILE INDUSTRY. Sponsor: Rep. Oberle & Rep. Maier Reprs. Spence, Lofink, Reynolds, George & Viola & Sens. Blevins, Amick & DeLuca.

**HCR 64** - SUPPORTING A MERCURY THERMOMETER EXCHANGE WEEK. Sponsors: Rep. Hall-Long & Sen. Blevins; Reprs. Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, Ewing, George, Hocker, Houghton, Hudson, Keeley, Lavelle, Lofink, Maier, Miro, Mulrooney, Plant, Reynolds, Schwartzkopf, Stone, Ulbrich, Van Sant, Viola, Wagner, Williams; Sens. Amick, Connor, Henry, Sorenson

**HCR 68** - RECOGNIZING JUNE 13, 2004 AS RACE UNITY DAY IN THE CITY OF DOVER. Sponsors: Reprs. Wagner & Stone; Sen. Still

**HCR 61** - CONVENE THE TRUANCY TASK FORCE TO EVALUATE TRUANCY PROGRAMS AND MAKE RECOMMENDATIONS Sponsors: Rep. Maier & Senator Sokola

**HCR 62** - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2003 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsors: Rep. Spence On behalf of all Representatives & Senator Adams On behalf of all Senators.

**HCR 65** - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT AN ADDITIONAL \$40 MILLION APPROPRIATION TO THE NATIONAL INSTITUTES OF HEALTH FOR ALZHEIMER'S DISEASE RESEARCH. Sponsors: Rep. George & Sen. Blevins; Reprs. Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, B.

Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Schwartzkopf, Smith, Spence, Stone, Van Sant, Viola, Williams; Sens. Cloutier, Connor, Cook, DeLuca, Sorenson.

**HCR 69** - RECOGNIZING THE ACCOMPLISHMENTS OF THE DELAWARE TRUANCY COURT. Sponsors: Rep. Maier & Sen. Simpson; Reps. Reynolds, Ulbrich; Sen. Sokola.

Senator Connor requested to be added as a co-sponsor of **HCR 44**.

Senator Bonini requested **HCR 44 w/HA 1** be removed.

Senator McBride requested to be added as a co-sponsor of **HCR 44**.

Roll call vote on the **SENATE CONSENT CALENDAR #12** was taken and revealed 19 Senators voting YES, 2 (Henry & Still) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted. The House Concurrent Resolutions were returned to the House.

**HCR 44 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator McBride.

**HCR 44 w/HA 1** URGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE PRESERVATION OF THE UNITED STATES AUTOMOBILE INDUSTRY.

Senator Bonini questioned the floor manager of the resolution.

Senator Sokola requested to be added as a co-sponsor.

Senator Bonini requested to be added as a co-sponsor.

Senators Copeland and McDowell commented.

Roll call vote on **HCR 44 w/HA 1** was taken and revealed:

YES: 18

NO: Senator(s) Simpson - 1.

ABSENT: Senator(s) Henry, Still - 2.

**HCR 44 w/HA 1** 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 May 11, 2004.

On motion of Senator McDowell, the Senate recessed at 05:23 PM until May 11, 2004 at 02:00 PM.

The Senate reconvened at 03:10 PM on May 11, 2004, with Lt. Governor Carney presiding.

Senator Henry marked present.

The following committee report was announced:

From Health & Social Services: **SB 264** – 5 Merits.

The Secretary read a withdrawal of sponsorship from Representative Buckworth requesting his name be removed as a co-sponsor of **SB 173**.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HS 1 to HB 365; HB 352; SB 220 w/SA 1; SB 238; HJR 27; HB 377; HB 378; HS1 to HCR 46; SB 179**.

At 03:13 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-seventh Legislative Day.

**27th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MAY 11, 2004**

The Senate convened at 03:13 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.

**HJR 27** was brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator Sokola.

**HJR 27** - PROCLAIMING MAY 11, 2004, "EARLY CARE AND EDUCATION PROFESSIONALS APPRECIATION DAY." Sponsors: Reps. Viola, Spence & Sens. Sokola & Sorenson; Reps. Gilligan, Hall-Long, Houghton, Keeley, Maier, Mulrooney, Oberle, Plant, Reynolds, Schwartzkopf, Ulbrich, Van Sant.

Senators Henry and Sorenson commented.

Roll call vote on **HJR 27** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

**HJR 27** was declared passed the Senate and returned to the House.

Senator McDowell announced that it is the birthday of Senator Nancy W. Cook.

Senator Cook commented.

Senator McDowell yields to Senator Bunting.

**HB 282 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Bunting.

**HB 282 w/HA 1** - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO INFLUENCING RESULTS OF SPORTING EVENTS BY UNLAWFUL MEANS.

Senator Bunting request personal privilege of the floor for Rebecca Kidner, representing DE Standardbred Owners Association.

Senators Still and Marshall questioned the witness, after which the witness was excused.

Roll call vote on **HB 282 w/HA 1** was taken and revealed:

YES: 21

**HB 282 w/HA 1** was declared passed the Senate and returned to the House.

Senator Cook present during the above roll call.

**SB 264** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 264** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL SERVICES SYSTEMS.

Roll call vote on **SB 264** was taken and revealed:

YES: 21.

**SB 264** was declared passed the Senate and sent to the House for Consideration.

Senator Peterson requested that **SB 248** be Lifted from the Table and brought before the Senate for Consideration.

**SB 248** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES.

**SA 1 to SB 248** was brought before the Senate for consideration on the motion of Senator Peterson.

Senator Simpson questioned the sponsor.

Senator Peterson request personal privilege of the floor for John Cordrey, Commissioner of Alcohol Beverage Control.

The witness was excused after addressing the Senate.

Roll call vote on **SA 1 to SB 248** was taken and revealed:

YES: 21.

**SA 1 to SB 248** was declared part of the bill.

Senator Bonini questioned the sponsor.

Roll call vote on **SB 248 w/SA 1** was taken and revealed:

YES: 20

NO: Senator(s) Blevins - 1.

**SB 248 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 03:40 PM.

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

**SB 235** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 235** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE IVYANE D.F. DAVIS MEMORIAL SCHOLARSHIP FUND.

Roll call vote on **SB 235** was taken and revealed:

YES: 21.

**SB 235** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell yields to Senator Bunting.

Senator Bunting requested personal privilege of the floor for the for the purpose of introduction of Lee Draine, wife of staff member Robert Draine.

Senator McDowell yields to Senator Sokola.

**SB 285** was brought before the Senate for consideration, under the suspension of the necessary rules, on the motion of Senator Sokola.

**SB 285** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF STATE PUBLIC HIGH SCHOOL DIPLOMAS FOR STUDENTS WHO GRADUATE DURING THE 2003-2004 SCHOOL YEAR. Sponsor: Sen. Sokola & Rep. Maier; Sens. Peterson, Blevins, Simpson, Adams, Amick, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Sorenson, Still, Vaughn, Venables; Reprs. Oberle, Hudson, Ulbrich, Smith, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hall-Long, Hocker,

Houghton, Gilligan, Keeley, Lavelle, Lee, Lofink, Miro, Mulrooney, Plant, Quillen, Reynolds, Roy Schwartzkopf, Spence, Stone, Thornburg, Valihura, Van Sant, Viola, Wagner, Williams

Roll call vote on **SB 285** was taken and revealed:

YES: 21.

**SB 285** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell yields to Senator Henry.

**SB 260** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 260** - AN ACT TO AMEND TITLES 6 AND 21 OF THE DELAWARE CODE RELATING TO AIR BAG SAFETY.

Roll call vote on **SB 260** was taken and revealed:

YES: 21.

**SB 260** was declared passed the Senate and sent to the House for Consideration.

**HB 361** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 361** - AN ACT TO AMEND TITLES 7 AND 21 OF THE DELAWARE CODE RELATING TO PARKING.

Senator Henry moved to Lay **HB 361** on the Table.

**HB 248** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 248** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LICENSE SUSPENSION OR REVOCATION.

Roll call vote on **HB 248** was taken and revealed:

YES: 21.

**HB 248** was declared passed the Senate and returned to the House.

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

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
5/11/2004**

**May 6, 2004**

**SJR 9** - HONORING LANCE CORPORAL ANTHONY P. "TONY" ROBERTS, UNITED STATES MARINE CORPS, FOR HIS SERVICE TO THIS STATE AND TO THE UNITED STATES AND MOURNING HIS DEATH WHILE IN ACTION IN RAMADI, IRAQ. Sponsor: Sen. Amick & Rep. Cathcart, On behalf of all Senators & On behalf of all Representatives;

**LOT**.

**SB 278** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE COMPENSATION OF THE BOARD OF PAROLE. Sponsors: Sen. Bunting & Rep. Lee & Sen. Sorenson; Reps. Spence, DiPinto, Buckworth, Keeley, B. Ennis, Williams; **Finance**.

**SB 279** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO REVIEW OF CHILD NEAR DEATHS. Sponsors: Sen. Cook & Rep. DiPinto; Sens. Blevins, Amick, Cloutier, Connor, Henry, McDowell, Sokola, Sorenson; Reps. Buckworth, Fallon, George, Hall-Long, Hudson, Keeley, Maier, Mulrooney, Oberle, Schwartzkopf, Spence, Ulbrich, Valihura, Van Sant, Viola, Wagner; **Children Youth & Families**.

**SB 280** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO", TO AMEND SUBSECTION (XX) OF SECTION 28, ENUMERATION OF POWERS, BY ADDING AUTHORIZATION FOR IMPOSING "IMPACT FEES" FOR FIRE AND PARAMEDIC SERVICES. Sponsors: Sen. Bunting & Rep. Atkins; **Community/County Affairs**.

**SB 281** - AN AMENDMENT TO AN ACT BEING CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF THE TOWN OF DAGSBORO", TO AMEND SECTION 28 (PP) BY STRIKING SAID SUBSECTION AND SUBSTITUTING IN LIEU THEREOF ADDITIONAL AUTHORITY TO BORROW AMOUNTS IN ANTICIPATION OF REVENUE. Sponsors: Sen. Bunting & Rep. Atkins; **Community/County Affairs**.

**SB 282** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE PROFESSIONAL ENGINEERS ACT. Sponsors: Sen. McBride & Rep. Ulbrich; Sens. Sokola, Cloutier, Peterson, Amick, Still; Reprs. Booth, Keeley, Oberle, Lofink, Cathcart, Atkins, Wagner, Spence, B. Ennis, Viola, Gilligan; **Sunset**.

**SB 283** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO NUISANCE PLANTS. Sponsors: Sen. Vaughn & Rep. B. Ennis; **Judiciary**.

**SB 284** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO CREATION OF NEW ROAD IMPROVEMENTS. Sponsors: Sens. Vaughn & Rep. Roy; Sen. Cook, Reprs. Cathcart, Schwartzkopf, Hall-Long, B. Ennis; **Highways & Transportation**.

**May 11, 2004**

**HB 340** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO LIENS OF THE STATE AND/OR ITS POLITICAL SUBDIVISIONS. Sponsors: Rep. Miro & Sen. Peterson; Reprs. Hudson, Keeley, Oberle; Sen. Amick; **Finance**.

**HB 352** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES AND TAXES. Sponsors: Reprs. Schwartzkopf & Booth; Sen. Bunting; **Small Business**.

**HB 377** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION AND INSPECTION OF A CREMATORY. Sponsors: Rep. Maier & Sen. Blevins; Reprs. B. Ennis, Fallon, Miro, Valihura, Wagner, Hall-Long, Mulrooney; Sens. Henry, McBride, Peterson, Connor; **Health & Social Services**.

**HB 378** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S COUNCIL ON VOLUNTEER SERVICES. Sponsors: Rep. Maier & Sen. Blevins, Reprs. Spence, DiPinto, D. Ennis, Fallon, Hudson, Stone, Valihura, Wagner; Sens. Henry, Peterson, Connor; **Health & Social Services**.

**HS 1 for HB 365** - AN ACT TO AMEND CHAPTER 48 OF TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD SAFETY RESTRAINTS. Sponsors: Rep. Schwartzkopf; & Sen. Henry; Reprs. Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hall-Long, Houghton, Hudson, Maier, Mulrooney, Plant, Reynolds, Van Sant, Viola, Williams; **Public Safety**.

Elaine Stone Bowen  
463 Woodside Road  
Winding Creek Village  
Millsboro, DE 19966

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

Bernadette Patricia Winston  
712 West Matson Run Parkway  
Brandywine Hills  
Wilmington, DE 19802

To be appointed a member of the Public Integrity Commission to serve a term to expire 7 years from Senate confirmation.

\* \* \*

The Secretary announced the agenda for April 12, 2004.

On motion of Senator McDowell, the Senate recessed until May 12, 2004 at 03:30 PM.

The Senate reconvened at 03:56 PM, on May 12, 2004 with Lt. Governor Carney presiding.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 73; HCR 71; HB 391; HB 375w/HA 3; HB 405 w/HA 1 & HA 2; HJR 24; SB 227; SB 216; SB 217; SB 226**.

**LEGISLATIVE ADVISORY #20**, from the office of Counsel to the Governor was announced for the record, partially read and copies were made available to the members upon request.

**LEGISLATIVE ADVISORY #20**, dated May 11, 2004, Governor Ruth Ann Minner signed the following legislation on the date indicated:

**SB #201** (4/8/04) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE LOTTERY. (Sponsors: Sen. Cook & Rep. Oberle; Sens. Adams, Vaughn; Rep. Quillen) (Volume 74, Chapter 222, Laws of Delaware.)

**HB #175 aab SA 1** (4/12/04) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DNA ANALYSIS AND DATA BANK. (Sponsors: Rep. Maier & Sen. Blevins) (Volume 74, Chapter 223, Laws of Delaware.)

**HB #319 aab SA 1, SA 2 & SA 3** (4/12/04) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE BUREAU OF IDENTIFICATION AND THE PUBLIC RELEASE OF POLICE, PROBATION, AND PAROLE OFFICER NAMES AND IDENTIFICATION NUMBERS. (Sponsors: Rep. Spence & Sen. Vaughn; Reprs. Smith, Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, Van Sant, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Viola, Williams; Sens. Amick, Cloutier, Connor) (Volume 74, Chapter 224, Laws of Delaware.)

**SB #231** (4/14/04) – AN ACT CREATING A PUBLIC EDUCATION CLASSROOM INSTRUCTION FUND AND APPROPRIATING NINE MILLION DOLLARS FROM THE FEDERAL FISCAL RELIEF FUND FOR SUCH PURPOSES. (Sponsors: Sen. Cook & Rep. DiPinto; Sens. Bunting, Henry, Vaughn, Amick, Cloutier; Reprs. Buckworth, D. Ennis, Fallon, Houghton, Williams) (Volume 74, Chapter 225, Laws of Delaware.)

**HJR #19** (4/27/04) – EXTENDING THE REPORTING DATE OF THE TASK FORCE EXAMINING EARLY CHILDHOOD EDUCATION PROGRAMS ESTABLISHED BY HOUSE JOINT RESOLUTION NO. 9, AS AMENDED. (Sponsors: Rep. George & Sen. Sokola)

**HJR #20 aab HA 1** (4/27/04) – COMMENDING THE TASK FORCE ON CHRONIC ILLNESS, DISEASE MANAGEMENT AND PREVENTION AND EXTENDING THE DATE BY WHICH THE TASK FORCE IS TO ISSUE ITS FINAL REPORT. (Sponsors: Rep. Hall-Long & Sen. Blevins)

**HB #321** (4/27/04) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH CARE INSURANCE. (Sponsors: Rep. B. Ennis & Rep. Lee & Sen. Vaughn & Sen. Simpson & Rep. Ewing & Rep. Oberle; Reprs. Atkins, Booth, Boulden, Buckworth, Carey, D. Ennis, Fallon, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Maier, Mulrooney, Plant, Quillen, Reynolds, Schwartzkopf, Smith, Spence, Stone, Thornburg, Valihura, Van Sant, Viola, Williams; Sens. Blevins, Bonini, Bunting, Connor) (Volume 74, Chapter 226, Laws of Delaware.)

**SB #223 aab SA 1** (4/27/04) – AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO THE ACCOUNTING AND DISTRIBUTION OF A DECEDENT'S PROPERTY. (Sponsors: Sen. Vaughn; Sen. Henry & Rep. Wagner) (Volume 74, Chapter 227, Laws of Delaware.)

**HB #396** (4/29/04) – AN ACT MAKING A SUPPLEMENTAL GENERAL FUND APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF TWO MILLION FIVE HUNDRED SEVENTY THOUSAND DOLLARS AND WAIVING RELATED STATUTES FOR THE EXPEDITED CONSTRUCTION OF A DELAWARE VETERANS HOME. (Sponsors: Rep. Spence & Sen. Bunting & Rep. Roy & Sen. Venables; Reprs. Smith, Gilligan, Cathcart, Atkins, Booth, Boulden, Buckworth, Carey, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Quillen, Reynolds, Schwartzkopf, Stone, Thornburg, Ulbrich, Valihura, Van Sant, Viola, Wagner, Williams; Sens. Adams, Still, Vaughn, Amick, Blevins, Bonini, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson) (Volume 74, Chapter 228, Laws of Delaware.)

**SB #183** (5/5/04) – AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS. (Sponsors: Sen. Blevins & Rep. Roy) (Volume 74, Chapter 229, Laws of Delaware.)

**SB #255** (5/5/04) – AN ACT TO AUTHORIZE THE POSSESSION OF CERTAIN HISTORICALLY AUTHENTIC WEAPONS FOR A LIVING HISTORY RE-ENACTMENT TO BE HELD MAY 5, 2004 THROUGH MAY 11, 2004. (Sponsors: Sen. Cook & Sen. Vaughn; Sens. Cloutier, Copeland; Reprs. D. Ennis, Smith) (Volume 74, Chapter 230, Laws of Delaware.)

\* \* \*

The following committee reports were announced:

From Corrections: **SB 221** – 2 Favorable, 1 Merit.

From Executive: **SB 232** – 6 Merits; **SB 239** – 6 Merits; **Elaine Stone Bowen** – 6 Favorable; **Bernadette Winston** – 6 Favorable.

From Health and Social Services: **SB 209** - 6 Merits; **SB 261** - 6 Merits; **SB 277** – 5 Merits.

From Insurance & Elections: **SB 252** – 4 Merits.

From Judiciary: **SS 1 for SB 272** – 5 Merits; **SB 273** – 5 Merits; **SB 274** – 5 Merits; **HB 275** – 5 Merits.

From Public Safety: **HS 1 for HB 365** - 4 Merits.

From Small Business: **HB 352** - 1 Favorable, 2 Merits; **SB 154** - 3 Merits.

From Sunset: **SB 282** - 3 Merits.

At 04:01 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-eighth Legislative Day.

**28th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MAY 12, 2004**

The Senate convened at 04:01 PM with Lt Governor Carney presiding.

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

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

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

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

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered.

**Elaine Stone Bowen:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED. Senator Cloutier marked present during the above roll call.

**Bernadette Patricia Winston:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**HJR 24** was brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator Still.

**HJR 24** - BIDDING A FOND FAREWELL TO JAMES L. HUTCHISON, SR., MAYOR OF THE CITY OF DOVER, AND THANKING HIM FOR HIS MANY YEARS OF SERVICE TO THE CITIZENS OF DOVER. Sponsor: Rep. Stone & Rep. Wagner & Sen. Still; Rep. B. Ennis

On motion of Senator Still, all Senators were added as co-sponsors.

Senator Still request personal privilege of the floor for James L. Hutchison, Sr., retiring Mayor of Dover.

The witness addressed the Senate, after which the witness was excused.

Senators McBride and McDowell commented.

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

YES: 21.

**HJR 24** was declared passed the Senate and returned to the House.

Senator McDowell yields to Senator Venables.

Senator Venables moved that **SB 240** be Lifted from the Table and brought before the Senate for consideration.

**SB 240** - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES LOCATED IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT AND RESTATING THAT THE ACT APPLIES TO TOWNS AND CITIES THROUGHOUT THE STATE WITH POPULATIONS IN EXCESS OF 50,000 PEOPLE.

Senators Blevins and Simpson questioned the sponsor.

Senator Venables requested personal privilege of the floor for David Swayze, representing Freeman & Assoc.

Senators Amick and Simpson questioned the witness, after which the witness was excused.

Roll call vote on **SB 240** was taken and revealed:

YES: 17

NO: Senator(s) Blevins, Peterson, Simpson, Sokola - 4.

**SB 240** was declared passed the Senate and sent to the House for Consideration.

**SB 265** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 265** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES.

Senators Bonini and Simpson questioned the sponsor.

Senator McDowell request personal privilege of the floor for Tania Culley, representing the Office of the Child Advocate.

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

Senator McDowell request personal privilege of the floor for Carlyse Griddins, representing DE. Children's Dept. Division of Family Services.

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

Senator McDowell commented.

Roll call vote on **SB 265** was taken and revealed:

YES: 19

NO: Senator(s) Vaughn - 1.

ABSENT: Senator(s) Still - 1.

**SB 265** was declared passed the Senate and sent to the House for Consideration.

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

Senator Sokola announced today's Bike Ride to Work.

Senator McDowell thanked Senator Blevins for her work on the SeaPack Task Force.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
May 12, 2004**

**May 11, 2004**

**SA 1 to HB 361** - Sponsor: Sen. Henry; Placed with the Bill.

**SA 2 to HB 361** - Sponsor: Sen. Amick; Sorenson; Placed with the Bill.

**SA 3 to HB 361** - Sponsor: Sen. Amick; Sorenson; Placed with the Bill.

**May 12, 2004**

**SA 1 to SB 232** - Sponsor: Sen. Adams; Placed with the Bill.

**SB 286** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENT'S ESTATES AND FIDUCIARY RELATIONS AND INVESTMENTS OF FIDUCIARIES. Sponsors: Sen. DeLuca & Rep. Stone; Sens. Bunting, Sokola, Sorenson, Still; Reps. D. Ennis, Carey, Fallon, Hocker, Hudson, Lavelle, Miro, Valihura, Houghton, Keeley;

**Banking.**

**SS 1 for SB 275** - AN ACT TO AMEND TITLE 14, SECTION 506 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS. Sponsors: Sen. Sokola & Rep. Reynolds; Sens. Henry, Copeland, Simpson; Reps. Smith & Boulden; **Education.**

**HB 357 w/HA 1** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA REQUIREMENTS. Sponsors: Reps. Maier, Oberle, Hudson, & Ulbrich; Sens. Sokola, Peterson & Simpson; Reps: Atkins, Booth, Buckworth, Carey, Cathcart, B. Ennis, Ewing, Fallon, Houghton, Keeley, Lofink, Mulrooney, Plant, Reynolds, Spence, Stone, Thornburg, Van Sant, Viola, Wagner; Sens. Blevins, Bonini & Copeland; **Education.**

**HB 375 w/HA 3** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE. Sponsors: Reps. Roy, Hudson, Miro, Gilligan, Van Sant, B. Ennis; Sens. Blevins, Sokola & Bonini; **Judiciary.**

**HB 391** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PERMANENT STUDENT RECORDS IN PRIVATE BUSINESS AND TRADE SCHOOLS. Sponsors: Rep. Reynolds & Sen. Sokola; Rep. Ulbrich & Sen. Connor; **Education.**

**HB 405 w/HA 1 & HA 2** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLVILLE" BEING CHAPTER 115, VOLUME 72, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE BORROWING AUTHORITY OF THE TOWN OF MILLVILLE. Sponsors: Rep. Hocker & Sen. Bunting; **Community/County Affairs.**

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The Secretary of the Senate announced the agenda for May 13, 2004.

On motion of Senator McDowell, the Senate recessed until 02:00 PM on May 13, 2004.

The Senate reconvened at 02:53 PM on May 13, 2004, with Lt. Governor Carney presiding.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 74**.

At 02:49 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Twenty-ninth Legislative Day.

**29th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
MAY 13, 2004**

The Senate convened at 02:49 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 red on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Sokola.

**HB 405 w/HA 1 & HA 2** was introduced under the suspension of the necessary rules and brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HB 405 w/HA 1 & HA 2** – AN ACT TO AMEND AN ACT ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF MILLVILLE” BEING CHAPTER 115, VOLUME 72, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE BORROWING AUTHORITY OF THE TOWN OF MILLVILLE. 2/3 VOTE

Roll call vote on **HB 405 w/HA 1 & HA 2** was taken and revealed:

YES: 21

**HB 405 w/HA 1 & HA 2** was declared passed the Senate and returned to the House.

Senator Marshall marked present during the above roll call.

**SB 282** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 282** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE PROFESSIONAL ENGINEERS ACT.

Senator McBride requested personal privilege of the floor for Jay Paul Jones, representing Delaware Associations of Professional Engineers.

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

Several Senators commented and questioned the sponsor.

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

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

Roll call vote on **SB 282** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1.

**SB 282** was declared passed the Senate and sent to the House for Consideration.

Senator McBride commented on the bill.

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were consideration.

**Zane Robinson:** 21 Senator(s) voting YES; therefore, the Appointment was declared CONFIRMED.

**Susan Kline Spilecki:** 21 Senator(s) voting YES; therefore, the Appointment was declared CONFIRMED.

**Joan Samonisky:** 21 Senator(s) voting YES; therefore, the Appointment was declared CONFIRMED.

**Ted Williams:** 21 Senator(s) voting YES; therefore, the Appointment was declared CONFIRMED.

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

Senator McDowell announced Senator Amick was celebrating his birthday today.

**SJR 9** was Lifted from the Table and brought before the Senate for consideration, under the suspension of the necessary rules on the motion of Senator Amick.

**SJR 9** - HONORING LANCE CORPORAL ANTHONY P. "TONY" ROBERTS, UNITED STATES MARINE CORPS, FOR HIS SERVICE TO THIS STATE AND TO THE UNITED STATES AND MOURNING HIS DEATH WHILE IN ACTION IN RAMADI, IRAQ.

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

YES: 21.

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

**SB 232** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 232** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CONCERNING THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT.

**SA 1 to SB 232** was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 1 to SB 232** was taken and revealed:

YES: 21.

**SA 1 to SB 232** was declared part of the bill.

**SB 232 w/SA 1** was now before the Senate.

Roll call vote on **SB 232 w/SA 1** was taken and revealed:

YES: 21.

**SB 232 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 352** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 352** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES AND TAXES.

Senator Venables request personal privilege of the floor for John Cordrey, Alcohol Beverage Control Commission.

Mr. Cordrey explained the bill, after which the witness was excused.

Roll call vote on **HB 352** was taken and revealed:

YES: 21.

**HB 352** was declared passed the Senate and returned to the House.

**SB 261** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 261** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.

**SA 1 to SB 261** was brought before the Senate for consideration on motion of Senator Blevins.

Roll call vote on **SA 1 to SB 261** was taken and revealed:

YES: 21.

**SA 1 to SB 261** was declared part of the bill.

**SB 261 w/SA 1** was now before the Senate.

Roll call vote on **SB 261 w/SA 1** was taken and revealed:

YES: 21.

**SB 261 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 277** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 277** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH-CARE DECISIONS.

Roll call vote on **SB 277** was taken and revealed:

YES: 21.

**SB 277** was declared passed the Senate and sent to the House for Consideration.

**SB 221** was brought before the Senate for consideration on the motion of Senator Sorenson.

**SB 221** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE INTERNATIONAL TRANSFER OF PRISONERS.

Senator Vaughn commented.

Roll call vote on **SB 221** was taken and revealed:

YES: 21.

**SB 221** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell yields to Senator Bunting.

**SCR 37** was brought before the Senate for consideration on the motion of Senator Bunting.

**SCR 37** - RECOGNIZING THE SIGNIFICANCE OF THE REHOBOTH LAKES TO DELAWARE AND TO THE UNITED STATES. Sponsor: Sen. Bunting & Rep. Schwartzkopf

Roll call vote on **SCR 37** was taken and revealed:

YES: 21.

**SCR 37** was declared passed by the Senate and sent to the House for Consideration.

**SENATE CONSENT CALENDAR #13** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 38** - RESPECTFULLY REQUESTING THAT THE GOVERNOR AND THE DELAWARE DEPARTMENT OF TRANSPORTATION CONSIDER NAMING CHURCH BRIDGE (THE 11TH STREET BRIDGE) AFTER THE LATE REPRESENTATIVE AL O. PLANT. Sponsors: Senators Henry & McDowell; Reps. Houghton, Keeley, Van Sant, Williams, Mulrooney.

**HCR 71** - RECOGNIZING JUNE 10, 2004 AS NATIONAL CAREER NURSING ASSISTANTS' DAY AND RECOGNIZING THE VITAL ROLE THAT CERTIFIED NURSING ASSISTANTS PLAY IN PROVIDING HEALTH CARE SERVICES. Sponsors: Rep. Maier On behalf of all Representative; & Sen. Marshall on behalf of all Senators.

**HCR 73** - CONGRATULATING MARY CONNELLY KEGELMAN OF BRANDYWINE HUNDRED FOR BEING NAMED DELAWARE MOTHER OF THE YEAR AND NATIONAL MOTHER OF THE YEAR. Sponsors: Rep. Smith On behalf of all Representatives and Sen. Cloutier on behalf of all Senators.

**HCR 74** - COMMEMORATING THE 35TH ANNIVERSARY OF THE MODERN MATURITY CENTER LOCATED IN DOVER, DELAWARE. Sponsors: Reps. Wagner & Stone; Sen. Still.

Senator McBride request that Senator Cook be added as a co-sponsor to **HCR 74** and Senator Marshall be added as a co-sponsor to **SCR 38**.

Roll call vote on the **SENATE CONSENT CALENDAR #13** was taken and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared Adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

**SB 239** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 239** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE NANTICOKE INDIAN ASSOCIATION.

**SA 1 to SB 239** was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to SB 239** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sokola - 1.

**SA 1 to SB 239** was declared part of the bill.

**SB 239 w/SA 1** is now before the Senate.

**SB 239** Majority vote requirement (3/4) ruling of the Chair.

Roll call vote on **SB 239 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sokola - 1.

**SB 239 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.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
5/13/2004**

**SB 287** - AN ACT TO AMEND TITLE 12 RELATING TO THE DELAWARE UNIFORM TRANSFERS TO MINORS ACT. Sponsors: Sen. DeLuca & Rep. Stone; Sens. Sokola, Still, Sorenson & Rep. Valihura; **Banking**.

**SB 288** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO TRUSTS. Sponsors: Sen. DeLuca & Rep. Stone; Sens. Sokola, Still, Sorenson & Rep. Valihura; **Banking**.

**SB 289** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO WILLS AND TRUSTS. Sponsors: Sen. DeLuca & Rep. Stone; Sens. Sokola, Still, Sorenson & Rep. Valihura; **Banking**.

**SB 290** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO SALES OF REAL ESTATE BY EXECUTORS. Sponsors: Sen. DeLuca & Rep. Stone; Sens. Sokola, Still, Sorenson & Rep. Valihura; **Banking**.

**SB 291** - AN ACT TO AMEND CHAPTER 69 OF TITLE 29 RELATING TO FAVORABLE TREATMENT FOR UNITED STATES-BASED CONTRACTORS AND

SUBCONTRACTORS IN STATE PROCUREMENT. Sponsors: Sen. Marshall & Rep. Oberle; Sen. Connor & Rep. Lofink; **Small Business.**

**SB 292** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsors: Sens. McBride & Bonini; Reps. Thornburg, & Williams; **Sunset.**

**SA 2 to SB 166** - Sponsor: Sen. Vaughn; Placed with the Bill.

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The Secretary of the Senate announced the agenda for June 01, 2004.

On motion of Senator McDowell the Senate recessed at 04:34 PM until June 01, 2004 at 02:00PM.

The Senate reconvened at 02:52 PM on June 01, 2004, with Lt. Governor Carney presiding.

The following committee reports were announced:

From Community/County Affairs: **SB 280** – 3 Merits; **SB 281** 3 Merits.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 406; HB 407; HS1 to HB 339; HB 294; HJR 29; SB 263; HB 379; HB 398; HS 1 to HB 338; HB 419 w/HA 1; HCR 75; SCR 37; SJR 9; HB 382; HB 392 w/HA 2; HB 416; HB 403; HJR 26; SB 285; SB 233.**

**SENATE CITATION ANNOUNCEMENT #7**, containing S142-564 – 606 inclusive was announced for the record, partially read and copies made available to the members upon request.

At 02:55 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirtieth Legislative Day.

**30th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 01, 2004**

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

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

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

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

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

Senator McDowell yields to Senator Sokola.

Senator Sokola request personal privilege of the floor for comments on the Jobs for Delaware Graduate Students visiting Legislative Hall.

**HB 198 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 198** - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO APPROVAL BY THE STATE BOARD OF EDUCATION OF CERTIFICATES OF INCORPORATION OR ANY AMENDMENT THEREOF PRIOR TO FILING.

Roll call vote on **HB 198 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator Connor - 1.

**HB 198 w/HA 1** was declared passed the Senate and returned to the House.

Senator McBride marked present during the above roll call.

**SS 1 for SB 272** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SS 1 for SB 272** - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW.

Senator Vaughn request personal privilege of the floor for Lawrence A. Hamermesh, representing the Delaware State Bar Association.

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

Roll call vote on **SS 1 for SB 272** was taken and revealed:

YES: 20

ABSENT: Senator DeLuca - 1.

**SS 1 for SB 272** was declared passed the Senate and sent to the House for Consideration.

Senator Connor marked present during the above roll call.

**SB 273** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 273** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

Senator Vaughn request personal privilege of the floor for Lawrence A. Hamermesh, representing the Delaware State Bar Association

After addressing the Senate, the witness was excused.

Roll call vote on **SB 273** was taken and revealed:

YES: 21.

**SB 273** was declared passed the Senate and sent to the House for Consideration.

**SB 274** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 274** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS.

Senator Vaughn request personal privilege of the floor for Lawrence A. Hamermesh, representing the Delaware State Bar Association.

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

Roll call vote on **SB 274** was taken and revealed:

YES: 21.

**SB 274** was declared passed the Senate and sent to the House for Consideration.

**HB 275** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 275** - AN ACT TO AMEND TITLE 4, TITLE 11, TITLE 18 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL AND TOBACCO ENFORCEMENT.

Roll call vote on **HB 275** was taken and revealed:

YES: 21.

**HB 275** was declared passed the Senate and returned to the House.

**SB 228** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 228** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE CONCERNING THE APPOINTMENT OF JUDGES.

Senator Simpson questioned the sponsor.

Senator Adams requested personal privilege of the floor for Edward G. Davis, Justice of the Peace.

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

Senators Amick and Blevins commented.

Roll call vote on **SB 228** was taken and revealed:

YES: 21.

**SB 228** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell moved to recess for Party Caucus at 04:08 PM.

The Senate reconvened at 05:27 PM with Lt. Governor Carney presiding.

The President Pro Tempore's list of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/1/2004**

**May 13, 2004**

**SA 1 to SB 202** - Sponsor: Sen. Blevins; Placed with the Bill.

**June 1, 2004**

**HJR 26** - ESTABLISHING A JOINT STATE-FEDERAL -LOCAL GOVERNMENT ACTION GROUP TO ADDRESS AND MONITOR AIR TRAFFIC AND QUALITY OF LIFE ISSUES WITH REGARD TO THE PHILADELPHIA INTERNATIONAL AIRPORT.

Sponsors: Reps. Smith & Valihura; Sen. McDowell; Reps. DiPinto, Hudson, Keeley, Lavelle; Sens. Cloutier & Copeland; **LOT List**.

**HS 1 for HCR 46** - URGING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO STRENGTHEN TRADE RELATIONS WITH TAIWAN BY A FREE TRADE AGREEMENT AND TO SUPPORT THE PARTICIPATION OF TAIWAN IN THE UNITED NATIONS AND THE WORLD HEALTH ORGANIZATION. Sponsors: Rep. Roy & Sen. McDowell; Reprs. DiPinto, Hudson, Miro, Keeley; Business/Corporations/Commerce; **LOT List**.

**SB 293** - AN ACT TO AMEND TITLE 29 CHAPTER 63 RELATING TO THE BUDGET COMMISSION. Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Bunting, Henry, Cloutier, Amick; Reprs. Fallon, D. Ennis, Houghton, Buckworth, Williams; **Judiciary**.

**SB 294** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AUTHORIZATION FOR LOCAL AND OUT-OF-STATE POLICE OFFICERS. Sponsors: Sen. Vaughn & Rep. Wagner; **Judiciary**.

**SB 295** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES. Sponsors: Sen. Vaughn, Adams & Rep. Thornburg; Reprs. B. Ennis, Houghton, Schwartzkopf, Williams, DiPinto, D. Ennis, Smith, Cathcart, Valihura, Lavelle, Hudson, Reynolds, Spence, Roy, Maier, Miro, Boulden, Oberle, Ulbrich, Lofink, Quillen, Wagner, Stone, Caulk, Buckworth, Ewing, Carey, Booth, Hocker, Fallon, Lee, Atkins; **Judiciary**.

**SB 296** - AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE. Sponsor: Sen. Cook & Rep. DiPinto; Sens. Bunting, Vaughn; Reprs. Gilligan & Keeley; **Finance**.

**HB 294** - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO PREVAILING WAGE REQUIREMENTS IN PUBLIC CONSTRUCTION CONTRACTS. Sponsor: Rep. Hudson & Sen. Simpson; Reprs. Buckworth, Carey, Cathcart, Ewing, Thornburg; **Finance**.

**HB 379** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMUNICATION DEVICES IN SCHOOL BUSES. Sponsors: Rep. Miro & Sen. Sokola; **Public Safety**.

**HB 382** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES. Sponsors: Reprs. Reynolds & Lee Sen. Bunting; **Judiciary**.

**HB 392 w/HA 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES. Sponsors: Rep. Cathcart & Sen. Peterson; Reprs. Maier, Wagner, George, Hall-Long; Sens. Henry, Amick, Cloutier; **Judiciary**.

**HB 398** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS. Sponsors: Reprs. Schwartzkopf & Hocker; Sen. Bunting; **Agriculture**.

**HB 403** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION. Sponsors: Rep. Smith & Sen. Cook; Reprs. Hudson, Gilligan; Sens. Adams, DeLuca; **Finance**.

**HB 406** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, WITH REGARD TO THE DISCOUNT TO BE AVAILABLE IF REAL ESTATE TAXES ARE PAID ON OR BEFORE SEPTEMBER 30TH OF EACH YEAR, THE PENALTIES THAT BEGIN TO ACCRUE IF REAL ESTATE TAXES ARE NOT PAID BY OCTOBER 31ST, AND THE COLLECTION CHARGES THE TOWN OF LAUREL MAY IMPOSE IN EFFECTING THE RECOVERY OF DELINQUENT TAXES. Sponsors: Rep. Lee & Sen. Venables; **Community/County Affairs**.

**HB 407** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, TO PROVIDE FOR FIXED SALARIES FOR THE MAYOR AND THE MEMBERS OF THE TOWN COUNCIL RATHER THAN THE PER MEETING STIPEND CURRENTLY PAID. Sponsors: Rep. Lee & Sen. Venables; **Community/County Affairs**.

**HB 416** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE TO ESTABLISH THE AUTHORITY TO DIRECT THE DISPOSITION OF A PERSON'S LAST REMAINS. Sponsors: Rep. Spence & Sen. DeLuca; Reprs. Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Maier, Miro, Oberle, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, Van Sant, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Viola, Williams; Sens. Adams, Blevins, Cook, Henry, Marshall, McBride, Sokola, Still, Sorenson, Amick, Bonini, Cloutier, Connor, Simpson; **Health & Social Services**.

**HB 419 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC LIBRARIES. Sponsors: Rep. Atkins & Sen. Venables; Reprs. Spence, Smith, Lee, Booth, Buckworth, Carey, Cathcart, Ewing, Fallon, Hocker, Hudson, Maier, Stone, Ulbrich, Valihura, B. Ennis, Houghton, Mulrooney, Plant; Sens. Bunting, Simpson; **Finance**.

**HS 1 for HB 338** - AN ACT TO AMEND TITLE 30, CHAPTER 55 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES TAXES. Sponsors: Rep. Roy & Sen. Adams; Reps. Hudson, Lavelle, Stone; Sens. Still, McBride; **Finance**.

**HS 1 for HB 339** - AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC BEVERAGE LICENSES. Sponsors: Reps. Hudson & Roy, Sen. DeLuca; Reps. Spence, DiPinto, Buckworth, D. Ennis, Ewing, Miro, Houghton, Williams; Sens. Adams, Blevins, Bunting, Vaughn; **Executive**.

**HJR 29** - AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) TO EXPEDITE THE PERMITTING PROCESS FOR A SUBAQUEOUS LANDS PERMIT AND OTHER RELATED PERMITS NEEDED BY THE DIVISION OF PARKS AND RECREATION TO HAVE THE ASSAWOMAN CANAL DREDGED. Sponsors: Rep. Hocker & Sen. Bunting; Sen. Adams & Sen. Venables; **Natural Resources & Environmental Control**.

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

David B. Mitchell, J.D.  
121 Quail Run Drive  
Centreville, MD 21617

To be appointed Secretary of the Department of Safety and Homeland Security to serve at the pleasure of the Governor.

Tonda L. Parks  
740 Bicentennial Boulevard  
Dover, Delaware 19904

To be appointed a Director of Delaware Solid Waste Authority to serve a term to expire April 18, 2005.

Kathi A. Karsnitz  
202 Heronwood Lane  
Milton, DE 19968

To be appointed a member of the Public Employment Relations Board to serve a term to expire 6 years from Senate confirmation.

Steven R. Director  
3205 Swarthmore Road  
Wilmington, DE 19807

To be appointed a member of the Tax Appeals Board to serve a term to expire May 2, 2005.

Stephanie I. Liguori  
9 Wigeon Place  
Wyoming, DE 19934

To be reappointed a member of the Violent Crimes Compensation Board to serve a term to expire 3 years from Senate confirmation.

\* \* \*

**SB 218** was brought before the Senate for consideration on the motion of Senator Connor.  
**SB 218** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE SELLING OF LICENSE PLATES COVERS AND FRAMES.

Senator Connor moved to Lay **SB 218** on the Table.

**HJR 26** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules, on motion of the floor manager, Senator McDowell.

**HJR 26** - ESTABLISHING A JOINT STATE-FEDERAL -LOCAL GOVERNMENT ACTION GROUP TO ADDRESS AND MONITOR AIR TRAFFIC AND QUALITY OF LIFE ISSUES WITH REGARD TO THE PHILADELPHIA INTERNATIONAL AIRPORT.

Senator Vaughn and McDowell commented.

Roll call vote on **HJR 26** was taken and revealed:

YES: 19

ABSENT: Senator(s) Marshall, Simpson - 2.

**HJR 26** was declared passed the Senate and returned to the House.

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

Senator Still requested that **SB 8** be Stricken. No objection

The Secretary of the Senate announced the agenda for June 02, 2004.

On motion of Senator McDowell, the Senate recessed at 05:42 PM until June 02, 2004 at 03:30 PM.

The Senate reconvened at 03:54 PM on June 02, 2004, with Lt. Governor Carney presiding.

The following committee reports were announced:

From Executive: **Tonda L. Parks** – 5 Merits; **David B. Mitchell J.D.** – 4 Favorable, 2 Merits; **Stephanie I. Liguori** – 6 Merits; **Kathi A. Karsnitz** – 4 Favorable, 2 Merits; **Steven R. Director** - 1 Favorable, 5 Merits; **HS1 for HB 339** - 6 Merits.

From Education: **SS1 for SB 275** - 3 Merits; **SB 254** - 2 Merits, 1 Unfavorable; **HB 391** - 3 Merits.

From Banking: **SB 286** - 4 Favorable, 1 Merit; **SB 287** - 4 Favorable, 1 Merit; **SB 288** - 3 Favorable, 1 Merit; **SB 289** - 4 Favorable, 1 Merit; **SB 290** - 4 Favorable, 1 Merit.

From Agriculture: **HB 398** - 2 Merits, 2 Unfavorable.

From Children, Youth & Families: **SB 279** - 3 Favorable, 1 Merit.

A correspondence from Senator Bonini was read into the record informing the Senate that Senators Copeland and Simpson, Representatives Ewing and Quillen were added as co-sponsors of **SB 249**.

A correspondence from Senator McDowell was read into the record informing the Senate that Senators Blevins, Henry and Sokola were added as co-sponsors of **SS1 to SB 161**.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 400 w/HA 1; HB 399 w/HA 1; HB 411 w/HA 1**.

At 04:00 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-first Legislative Day.

**31st LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 02, 2004**

The Senate convened at 04:00 PM with Lt. Governor Carney presiding.

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

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

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

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

Senator McDowell yields to Senator Adams.

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered.

**Kathi Karsnitz:** 20 Senator(s) voting YES, 1 (Venables) ABSENT. Appointment was declared CONFIRMED.

**David Mitchell, J.D.:** 20 Senator(s) voting YES, 1 (Bonini) voting NO. Appointment was declared CONFIRMED.

Senator Venables marked present during the above roll call.

**Tonda Parks:** 20 Senator(s) voting YES, 1 (McBride) ABSENT. Appointment was declared CONFIRMED.

**Stephanie I. Liguori:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Steven Director:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator Marshall request that **SB 225** be Stricken. No objection.

**SB 303** was introduced under the suspension of the necessary rules, and brought before the Senate for consideration on the motion of Senator Marshall.

**SB 303 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LONG-TERM CARE AND THE CREATION OF AN OFFICE OF LONG TERM CARE ADVOCATE.** Sponsor: Sen. Marshall & Sen. Blevins & Rep. Maier; Sens. Peterson, Cloutier; Reps. Ulbrich, George, Hall-Long, Viola.

Senator McDowell questioned the sponsor.

A withdrawal of sponsorship from Senator Cloutier was read into the record requesting her name be removed as a co-sponsor of **SB 303**.

Several Senators commented.

On motion of Senator Still **SB 303** was Laid on the Table.

Senator Marshall objects.

Roll call on the motion to Table the Bill was taken and revealed:

YES: 9

NO: Senator(s) Adams, Blevins, Bunting, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Sokola, Vaughn - 12.

Having not receiving the required number of votes, the roll call on the motion was declared Defeated.

Senator Simpson questions the sponsor.

Senator Bonini raised a point of order.

Senator Marshall request personal privilege of the floor for James Wilson representing AARP.

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

Senator Marshall request personal privilege of the floor for Tom McGonigle representing Quality Association Commission.

Senators Sorenson, Simpson & Henry questioned the witness after which the witness was excused.

**SA 1 to SB 303** was brought before the Senate for consideration on motion of sponsor.

Senator Bonini raised a point of order.

Senator Amick questioned the sponsor.

Senator Marshall requested privilege of the floor for Steve Wood representing the Attorney General's office.

Several senators questioned the witness after which the witness was excused.

Senator Amick commented.

Senator Marshall requested personal privilege of the floor for Tim Willard, Senate Attorney.

Senator Amick questioned the witness after which the witness was excused.

Roll call vote on **SA 1 to SB 303** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**SA 1 to SB 303** was declared part of the bill.

**SA 2 to SB 303** was brought before the Senate for consideration on motion of sponsor.

Senator Marshall requested personal privilege of the floor for Russ Larson, Controller General.

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

Roll call vote on **SA 2 to SB 303** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**SA 2 to SB 303** was declared part of the bill.

Senator Marshall moved to recess at 05:26 PM.

The Senate reconvened at 02:05 PM on June 03, 2004, with Senator DeLuca presiding.

**SB 303 w SA 1 & SA 2** is still before the senate.

Senators Bunting, Still & Simpson questioned the sponsor.

Senator Simpson request personal privilege of the floor for Yrene E. Walddron, NHA, representing Delaware Health Care Facilities Association.

Senators Simpson, McDowell & Marshall questioned the witness.

Senator Bonini raised a point of order.

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

Several Senators questioned the sponsor.

Senator Marshall requested personal privilege of the floor for Tom McGonigal, representing Quality Assurance Commission.

Senators Sorenson, Marshall and Amick questioned the witness, after which the witness was excused.

Roll call vote on **SB 303 w/SA 1 & SA 2** was taken and revealed:

YES: 9

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

NOT VOTING: Senator(s) Amick, Bunting, Cloutier, Connor, Henry, Sorenson, Still - 7.

**SB 303 w/SA 1 & SA 2** was declared Defeated.

The following committee reports were announced.

From Finance: **SB 278** – 6 Merits; **SB 305** - 2 Favorable, 3 Merits.

From Highways & Transportation: **SB 284** – 4 Merits.

From Natural Resources & Environmental Control: **SB 297** – 2 Merits, 1 Unfavorable.

From Sunset: **HB 208 w/HA 1** - 3 Merits.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 437; HB 360; HB 401; HB 412; HB 417; HB 414 w HA 1; HB 421.**

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/2/2004**

**SB 297** - AN ACT TO AFFIRMATIVELY RE-ESTABLISH AND CONTINUE THE FUNCTIONS OF THE UNEMPLOYMENT INSURANCE APPEAL BOARD. Sponsors: Sen. McBride & Sen. Adams; Sens. DeLuca, Vaughn, Bonini; Rep. Viola; **Natural Resources & Environmental Control**.

**SB 298** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REAL PROPERTY ACQUISITION AND THE EXERCISE OF EMINENT DOMAIN. Sponsors: Sen. Venables & Rep. Hocker; **Small Business**.

**SB 299** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX. Sponsors: Sen. Bunting & Rep. Cathcart, Sen. Cook, Rep. Keeley; **Finance**.

**SB 300** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO UNDERAGE POSSESSION OF TOBACCO PRODUCTS. Sponsors: Sen. Bunting & Rep. Hudson; Reprs. Lavelle, Maier; **Judiciary**.

**SB 301** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTAIN POSITIONS IN THE COURT OF COMMON PLEAS AND JUSTICE OF THE PEACE COURT. Sponsors: Sen. Vaughn & Rep. Wagner; **Judiciary**.

**SB 302** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO BUILDING AND CONSTRUCTION PAYMENTS. Sponsors: Sen. DeLuca & Rep. Thornburg; Sens. Vaughn, Still; Reprs. Spence, Buckworth, Carey, Ewing, Lofink, Mulrooney, Van Sant; **Banking**.

**SB 304** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF CONTRIBUTIONS. Sponsors: Sen. Blevins & Rep. Miro; Sens. Henry, Peterson, Copeland, Sokola; Reprs. Hall-Long, Hudson, Keeley, Reynolds; **Insurance & Elections**.

**SB 305** - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ADVANCED PLANNING AND ACQUISITION FOR PUBLIC FACILITIES AND SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS. Sponsors: Sen. Cook & Rep. DiPinto; Sens. Sokola, Venables, Reprs. Roy, Reynolds; **Finance**.

**HB 399 w/HA 1** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IX, SECTION 3 OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897, AS AMENDED, RELATING TO THE TYPES OF CONSIDERATION THAT MAY BE RECEIVED IN EXCHANGE FOR THE ISSUANCE OF STOCK. Sponsors: Rep. Wagner & Rep. Valihura & Sen. Vaughn; **Judiciary**.

**HB 400 w/HA 1** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS. Sponsors: Rep. Valihura & Sen. Blevins & Sen. Henry & Sen. Cloutier & Sen. Copeland & Sen. Sorenson & Rep. Smith & Rep. Lavelle & Rep. Stone & Rep. George; Reprs. Cathcart, Caulk, DiPinto, D. Ennis, Fallon, Hudson, Maier, Schwartzkopf, Spence; Sen. Sokola; **Insurance & Elections**.

**HB 411 w/HA 1** - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES. Sponsor: Rep. Wagner & Valihura & Rep. George & Sen. Vaughn; Reprs. Lee, Buckworth, DiPinto, D. Ennis, Hudson, Lavelle, Miro, Ulbrich; **Judiciary**.

**SA 1 to SB 218** - Sponsor: Sen. Connor; Placed with the Bill.

**SA 1 to SB 279** - Sponsor: Sen. Cook; Placed with the Bill.

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At 03:30 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-second Legislative Day.

**32nd LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 03, 2004**

The Senate convened at 03:30 PM with Senator DeLuca 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 yields to Senator Copeland.

Senator Copeland requested the personal privilege of the floor for the introduction of members of the National Guard visiting the Chamber and presented each with a Certificate from the Senate.

Senator McDowell request personal privilege of the floor for Major General Frank Vavala, representing the Delaware National Guard, who addressed the Senate, after which the witness was excused.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/3/2004**

**SB 306** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPAL BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES FOR ENERGY CONSERVATION. Sponsor: Sen. McDowell & Rep. DiPinto; Sens. Blevins, Henry, Peterson, Sokola; Reps. Buckworth, B. Ennis, D. Ennis, Keeley, Mulrooney, Roy, Valihura, Viola; **Energy & Transit**.

**SB 307** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. Sponsor: Sen. McDowell & Rep. DiPinto; Sens. Blevins, Bunting, DeLuca, Sokola, Venables; Reps. B. Ennis, D. Ennis, Hall-Long, Keeley, Lavelle, Mulrooney, Oberle, Roy, Valihura, Viola; **Energy and Transit**.

**SB 308** - AN ACT TO AMEND TITLES 6, 7, 16 AND 30 OF THE DELAWARE CODE RELATING TO DIESEL AND BIODIESEL FUEL. Sponsor: Sen. McDowell & Rep. DiPinto, Sens. Blevins, Cook, DeLuca, Sokola, Vaughn, Venables; Reps. Carey, B. Ennis, D. Ennis, Hall-Long, Keeley, Lavelle, Mulrooney, Oberle, Roy, Viola; **Energy and Transit**.

**SB 309** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF STATE VEHICLES. Sponsors: Sen. Bunting & Rep. Hocker; **Agriculture**.

**SB 310** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO HOUSING AND THE DELAWARE STATE HOUSING AUTHORITY. Sponsors: Sen. Sokola & Rep. Valihura; **Health & Social Services**.

**SB 311** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO EXCESS REIMBURSEMENTS TO PUBLIC ASSISTANCE PROGRAM PROVIDERS. Sponsors: Sen. Marshall & Rep. Maier; **Finance**.

**SB 312** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE IN SUSSEX COUNTY. Sponsors: Sen. Adams & Rep. Wagner; Sens. Cook, Vaughn; Reps. Ewing, DiPinto; **Executive**.

**SB 313** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT TO TRANSFER CRIMINAL CASES TO THE COURT OF COMMON PLEAS. Sponsors: Sen. Vaughn & Rep. Wagner; **Judiciary**.

**SB 314** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON POLICE TRAINING. Sponsors: Sens. Henry; Adams, Rep. Ewing; Sens. Vaughn, Amick, Still; Reps. Spence, Lee, Atkins, Buckworth, B. Ennis, George, Keeley, Thornburg, Van Sant, Williams, Gilligan, Schwartzkopf; **Public Safety**.

\* \* \*

A correspondence from the Office of Senator McDowell was read into the record informing the Senate that Representative Di Pinto be added as a co-prime sponsor of **Senate Substitute No. 1 for Senate Bill No. 161**.

**SB 271** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 271** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC ATTENDANCE OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH.

Senators Amick and Sorenson commented.

Senators Connor, Sorenson and Cloutier requested to be added as co-sponsors.

Roll call vote on **SB 271** was taken and revealed:

YES: 21.

**SB 271** was declared passed the Senate and sent to the House for Consideration.

**HS 1 for HB 339** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HS 1 for HB 339** - AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC BEVERAGE LICENSES.

Senator Adams requested personal privilege of the floor for Charles Oberly, III, representing Sunbelt Beverage.

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

Senator McBride commented.

Senator Adams once again requested personal privilege of the floor for Charles Oberly, III, representing Sunbelt Beverage.

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

Roll call vote on **HS 1 for HB 339** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, Cook, Henry, McBride - 4.

**HS 1 for HB 339** was declared passed the Senate and returned to the House.

**SB 280** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 280** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO", TO AMEND SUBSECTION (XX) OF SECTION 28, ENUMERATION OF POWERS, BY ADDING AUTHORIZATION FOR IMPOSING "IMPACT FEES" FOR FIRE AND PARAMEDIC SERVICES.

Senator Bonini questioned the sponsor.

Roll call vote on **SB 280** was taken and revealed:

YES: 21.

**SB 280** was declared passed the Senate and sent to the House for Consideration.

**SB 281** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 281** - AN AMENDMENT TO AN ACT BEING CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF THE TOWN OF DAGSBORO", TO AMEND SECTION 28 (PP) BY STRIKING SAID SUBSECTION AND SUBSTITUTING IN LIEU THEREOF ADDITIONAL AUTHORITY TO BORROW AMOUNTS IN ANTICIPATION OF REVENUE.

Roll call vote on **SB 281** was taken and revealed:

YES: 21.

**SB 281** was declared passed the Senate and sent to the House for Consideration.

**SB 279** was brought before the Senate for consideration on the motion of Senator Cook.

**SB 279** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO REVIEW OF CHILD NEAR DEATHS.

**SA 1 to SB 279** was brought before the Senate for consideration on motion of Senator Cook.

Roll call vote on **SA 1 to SB 279** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**SA 1 to SB 279** was declared part of the bill.

**SB 279 w/SA 1** was now before the Senate.

Senator Cook requested personal privilege of the floor for Tania M. Culley, representing the Office of the Child Advocate.

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

Roll call vote on **SB 279 w/SA 1** was taken and revealed:

YES: 21.

**SB 279 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator Blevins requested that **SB 202** be Lifted from the Table and brought before the Senate for Consideration.

**SB 202** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

**SA 1 to SB 202** was brought before the Senate for consideration on the motion of Senator Blevins.

Senators Henry, Still and Amick questioned the sponsor.

Senator Blevins requested personal privilege of the floor for Frank Murphy, Senate Attorney.

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

Roll call vote on **SA 1 to SB 202** was taken and revealed:

YES: 21.

**SA 1 to SB 202** was declared part of the bill.

**SB 202 w/SA 1** was now before the Senate.

Senator McDowell questioned the sponsor.

Roll call vote on **SB 202 w/SA 1** was taken and revealed:

YES: 19

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

**SB 202 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator Connor requested that **SB 218** be Lifted from the Table and brought before the Senate for Consideration.

**SB 218** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE SELLING OF LICENSE PLATES COVERS AND FRAMES.

**SA 1 to SB 218** was brought before the Senate for consideration on the motion of Senator Connor.

Senator McDowell commented.

Roll call vote on **SA 1 to SB 218** was taken and revealed:

YES: 18

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

ABSENT: Senator(s) Peterson - 1.

**SA 1 to SB 218** was declared part of the bill.

**SB 218 w/SA 1** was now before the Senate.

Senator Bonini questioned the sponsor.

Senator Bonini request personal privilege of the floor for Timothy Willard, Senate Attorney.

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

Roll call vote on **SB 218 w/SA 1** was taken and revealed:

YES: 15

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

NOT VOTING: Senator(s) Bonini, Copeland, Simpson, Sokola - 4.

**SB 218 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 398** was brought before the Senate for consideration on the motion of the floor manager, Senator Bunting.

**HB 398** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS.

Roll call vote on **HB 398** was taken and revealed:

YES: 19

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

**HB 398** was declared passed the Senate and returned to the House.

**HB 208 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 208 w/HA 1** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF MASSAGE AND BODYWORK.

**SA 1 to HB 208** was brought before the Senate for consideration on the motion of Senator McBride.

Senator McBride requested that **SA 1 to HB 208** be Stricken. No objection.

**SA 2 to HB 208** was brought before the Senate for consideration on the motion of Senator McBride.

Senator McBride requested that **SA 2 to HB 208** be Stricken. No objection.

**SA 3 to HB 208** was brought before the Senate for consideration on the motion of Senator McBride.

A communication to Rep. Ulbrich from Vivian L. Cebrick, Board of Massage and Bodywork was read in its entirety and a copy in the file for this Legislative Day.

Senators McDowell and Simpson questioned the sponsor.

Roll call vote on **SA 3 to HB 208** was taken and revealed:

YES: 17

NO: Senator(s) Amick - 1.

NOT VOTING: Senator(s) Cloutier, Copeland - 2.

ABSENT: Senator(s) Connor - 1.

**SA 3 to HB 208** was declared part of the bill.

**HB 208 w/HA 1 & SA 3** was now before the Senate.

Senator Peterson questioned the sponsor of the bill.

Senator Blevins request personal privilege of the floor for Jeffrey Clark, Senate Attorney.

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

Roll call vote on **HB 208 w/HA 1 & SA 3** was taken and revealed:

YES: 18

NO: Senator(s) Cloutier, Copeland, Simpson - 3.

**HB 208 w/HA 1 & SA 3** declared passed the Senate and sent to the House for

Reconsideration.

Senator McDowell presiding.

**SB 286** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 286** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENT'S ESTATES AND FIDUCIARY RELATIONS AND INVESTMENTS OF FIDUCIARIES.

Roll call vote on **SB 286** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**SB 286** was declared passed the Senate and sent to the House for Consideration.

**SB 287** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 287** - AN ACT TO AMEND TITLE 12 RELATING TO THE DELAWARE UNIFORM TRANSFERS TO MINORS ACT.

Roll call vote on **SB 287** was taken and revealed:

YES: 21.

**SB 287** was declared passed the Senate and sent to the House for Consideration.

**SB 288** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 288** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO TRUSTS.

Roll call vote on **SB 288** was taken and revealed:

YES: 21.

**SB 288** was declared passed the Senate and sent to the House for Consideration.

**SB 289** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 289** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO WILLS AND TRUSTS.

Senator Simpson questioned the sponsor.

Senator DeLuca request personal privilege of the floor for William H. Lunger, representing Estate and Trust Section of Delaware State Bar Association.

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

Senator Bunting questioned the sponsor.

Roll call vote on **SB 289** was taken and revealed:

YES: 21.

**SB 289** was declared passed the Senate and sent to the House for Consideration.

**SB 290** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 290** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO SALES OF REAL ESTATE BY EXECUTORS.

Senator Peterson questioned the sponsor.

Senator DeLuca request personal privilege of the floor for William H. Lunger, representing Estate and Trust Section of Delaware State Bar Association.

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

Roll call vote on **SB 290** was taken and revealed:

YES: 21.

**SB 290** was declared passed the Senate and sent to the House for Consideration.

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

The following committee report was announced:

From Natural Resources & Environmental Control: **SB 245** - 3 Merits.

A correspondence from the Office of Senator Peterson was read into the record requesting that Representative Spence be added as prime co-sponsor, Representatives Dave Ennis,

Benjamin Ewing, Tina Fallon, Deborah Hudson, Greg Lavelle, Wayne Smith, Donna Stone, Stephanie Ulbrich, Robert Valihura and Nancy Wagner be added as co-sponsors to **SB 229**.

The Secretary announced the agenda for June 08, 2004.

On motion of Senator Adams the Senate recessed at 05:54 PM until June 08, 2004 at 02:00PM.

The Senate reconvened at 02:40 PM on June 08, 2004, with Senator DeLuca presiding.

The following committee reports were announced:

From Finance: **SB 206** - 6 Favorable; **SB 207** - 6 Favorable; **HB 403** - 2 Favorable, 4 Merits.

From Agriculture: **SB 309** - 1 Favorable, 3 Merits.

From Small Business: **SB 298** - 4 Merits.

From Natural Resources & Environmental Control: **SB 211** - 4 Merits.

From Sunset: **HB 211 w/HA 1** - 3 Merits.

A communication from Rep. Schwartzkopf was read into the record requesting his name be removed as a co-sponsor to **SB 265**.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 76**.

At 02:42 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-third Legislative Day.

**33rd LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 08, 2004**

The Senate convened at 02:42 PM. with Senator DeLuca 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 Still commented on the death of the former President Ronald Reagan and requested for a moment of silence.

Senator McDowell requested personal privilege of the floor for Sridhar Samudrala and Gunguarentren Damdinsuren, representing US Energy Association Mongolian ERA. Mr. Ssamudrala addressed the Senate, after which they were excused.

Senator Sokola request personal privilege of the floor to introduce his parents celebrating their fifty-first wedding anniversary.

Senator Marshall announced the death of John E. Babiraz, Sr., former Mayor of Wilmington and Cabinet Secretary and requested a moment of silence.

Senator McDowell yields to Senator Blevins.

**SS 2 for SB 86** was introduced under the suspension of the necessary rules and brought before the Senate for consideration, on the motion of Senator Blevins.

**SS 2 for SB 86** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.

Roll call vote on **SS 2 for SB 86** was taken and revealed:

YES: 21

**SS 2 for SB 86** was declared passed the Senate and sent to the House for Consideration.

Senators Bonini, Connor and Marshall marked present during the above roll call.

Senator Bunting request personal privilege of the floor to introduce Cathy & Madison Moore from Tennessee.

**SB 297** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 297** - AN ACT TO AFFIRMATIVELY RE-ESTABLISH AND CONTINUE THE FUNCTIONS OF THE UNEMPLOYMENT INSURANCE APPEAL BOARD.

Several Senators questioned the sponsor.

Senator McDowell presiding at 03:14 PM.

Senators DeLuca and Amick commented.

Senator DeLuca presiding at 03:17 PM.

Roll call vote on **SB 297** was taken and revealed:

YES: 9

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

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

**SB 297** was declared Defeated.

**SB 22** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 22** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE.

**SA 1 to SB 22** was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to SB 22** was taken and revealed:

YES: 21.

**SA 1 to SB 22** was declared part of the bill.

**SB 22 w/SA 1** was now before the Senate.

Senator Marshall requested that copies of two related articles be distributed to the members.

A copy of each correspondence has been placed in the file for this Legislative Day.

Several Senators questioned the sponsor.

Senator Marshall requested personal privilege of the floor for Mark Brunswick, representing the A. Philip Randolph Institute.

Senator Bonini raised a point of order.

Senators Simpson and Copeland questioned the witness, after which the witness was excused.

Senator Marshall requested personal privilege of the floor for Samuel Lathem, representing Delaware State AFL-CIO.

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

Roll call vote on **SB 22 w/SA 1** was taken and revealed:

YES: 14

NO: Senator(s) Adams, Amick, Bonini, Copeland, Simpson, Sorenson, Still - 7.

**SB 22 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 305** was brought before the Senate for consideration on the motion of Senator Cook.

**SB 305** - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ADVANCED PLANNING AND ACQUISITION FOR PUBLIC FACILITIES AND SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS.

Senator Cook moved to Lay **SB 305** on the Table.

**SB 278** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 278** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE COMPENSATION OF THE BOARD OF PAROLE.

Roll call vote on **SB 278** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Bonini, Simpson - 2.

**SB 278** was declared passed the Senate and sent to the House for Consideration.

**SB 284** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 284** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO CREATION OF NEW ROAD IMPROVEMENTS.

Senator Vaughn requested personal privilege of the floor for Nathan Hayward, representing Delaware Department of Transportation.

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

Senator Still requested he be added as a co-sponsor.

Roll call vote on **SB 284** was taken and revealed:

YES: 19

NO: Senator(s) McDowell - 1.

NOT VOTING: Senator(s) Peterson - 1.

**SB 284** was declared passed the Senate and sent to the House for Consideration.

Senator Vaughn requested that **SB 166** be Lifted from the Table and brought before the Senate for Consideration.

**SB 166** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PERSONAL INJURY PROTECTION DEDUCTIBLES.

**SA 2 to SB 166** was brought before the Senate for consideration on the motion of Senator Vaughn.

Senators Bonini and Bunting questioned the sponsor.

Roll call vote on **SA 2 to SB 166** was taken and revealed:

YES: 20

NO: Senator(s) Simpson - 1.

**SA 2 to SB 166** was declared part of the bill.

**SB 166 w/SA 2** was now before the Senate.

Roll call vote on **SB 166 w/SA 2** was taken and revealed:

YES: 14

NO: Senator(s) Amick, Cloutier, Connor, Copeland, Simpson, Sorenson, Still - 7.

**SB 166 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.

Senator Vaughn request that **SB 148** be Stricken. No objection.

Senator Vaughn request that **SB 301** be Stricken. No objection.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/8/2004**

**June 3, 2004**

**SB 315** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CONTRACTING. Sponsors: Sen. Vaughn & B. Ennis **Judiciary**.

**SB 316** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO LOBSTERS Sponsors: Sens. Simpson & Venables; **Natural Resources & Environmental Control**.

**June 7, 2004**

**SS 2 for SB 86** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. Sponsors: Sens. Blevins & Sorenson; Rep. Maier; Sens. Henry, Peterson; Reps. Oberle, Spence, Hudson, Keeley; **Adopted in lieu of Original**.

**June 8, 2004**

**SB 99** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE TO PROVIDE FOR REGULATION OF WASTEWATER UTILITIES BY THE PUBLIC SERVICE COMMISSION. Sponsors: Sen. McBride & Adams; Sen. Bunting & Rep. Spence; Sens. Simpson, Venables, Still & Sorenson; Reps. Ewing, Schwartzkopf, Carey, Lee, Hocker, Fallon, Hudson, Hall-Long, Lavelle, Van Sant, Roy, Booth, Atkins, Ulbrich, Houghton, Miro & Valihura; **Natural Resources & Environmental Control**.

**SB 317** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE SOLID WASTE AUTHORITY. Sponsor: Sen. McBride; **Natural Resources & Environmental Control**.

**SB 318** - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH" TO APPROVE AN AMENDMENT OF SECTION 10(b) OF THE CHARTER OF THE TOWN OF DEWEY BEACH, DELAWARE ENTITLED "MANNER OF HOLDING ELECTIONS" TO PROVIDE FOR VOTER ELIGIBILITY IN MUNICIPAL ELECTIONS TO CERTAIN TRUSTEES OF TRUSTS TO WHICH REAL ESTATE LOCATED WITHIN THE TOWN HAS BEEN CONVEYED. Sponsors: Sen. Bunting & Rep. Hocker; **Community/County Affairs**.

**SB 319** - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH" TO APPROVE AN AMENDMENT OF SECTION 10(A) OF THE CHARTER OF THE TOWN OF DEWEY BEACH, DELAWARE ENTITLED "MANNER OF HOLDING ELECTIONS" TO PROVIDE FOR A VOTER REGISTRATION PROCEDURE FOR MUNICIPAL ELECTIONS. Sponsors: Sen. Bunting & Rep. Hocker; **Community/County Affairs**.

**HB 360** - AN ACT TO AMEND TITLE 3, CHAPTER 101 OF THE DELAWARE CODE RELATING TO THOROUGHBRED RACING. Sponsors: Rep. Hudson & Sen. Copeland; Rep. Valihura; **Agriculture**.

**HB 401** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE OF THE DELAWARE CODE RELATING TO PARENTS AND CHILDREN. Sponsors: Rep. Maier & Sen. Blevins & Rep. Ulbrich; Reps. Buckworth, Fallon, George, Hall-Long, Hudson, Keeley, Mulrooney, Schwartzkopf, Valihura, Van Sant, Viola, Wagner; Sens. Cloutier, Connor, McDowell & Sorenson; **Children; Youth & Families**.

**HB 412** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF DEADLY WEAPONS AND AMMUNITION BY PERSONS PROHIBITED. Sponsors: Rep. Wagner & Sen. Vaughn; Reps. Lee, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Stone, Thornburg, Valihura, Van Sant, B. Ennis, Houghton, Keeley, Williams; **Judiciary**.

**HB 414 w/HA 1** - AN ACT TO AMEND TITLES 10, 11, 16, AND 21 OF THE DELAWARE CODE RELATING TO CLASSIFICATION OF OR SENTENCING FOR CERTAIN OFFENSES. Sponsors: Rep. Lee, Smith & Sen. Vaughn; **Judiciary**.

**HB 417** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LIFE SENTENCES. Sponsors: Rep. Wagner & Sen. Vaughn; **Judiciary**.

**HB 421** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsors: Rep. Hudson & Sen. Blevins; **Finance**.

**HB 437** - AN ACT TO AMEND TITLE 17 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF TRANSPORTATION. Sponsors: Rep. Smith & Sen. DeLuca; Reps. Roy, Hudson & Miro; Sens. Adams, Amick & Henry; **Highways & Transportation**.

Dr. Joan Thompson Mobley  
141 Deer Valley Lane  
Wilmington, DE 19807

To be reappointed a member of the Board of Trustees of the University of Delaware to serve a term to expire May 25, 2010.

Dr. Robert W. Gore  
465 Polly Drummond Hill Road  
Newark, DE 19711

To be reappointed a member of the Board of Trustees of the University of Delaware to serve a term to expire May 25, 2010.

Bryan J.S. Townsend  
208 Rachel Court  
Newark, DE 19702

To be appointed a member of the Board of Trustees of the University of Delaware to serve a term to expire May 25, 2005.

Dennis L. Schrader  
38 Mills Ridge Road  
Lewes, DE 19958

To be appointed a member of the Public Integrity Commission to serve a term to expire June 30, 2010.

Barbara H. Green  
308 Pentland Drive  
Wilmington, DE 19807

To be appointed a member of the Public Integrity Commission to serve a term to expire July 8, 2005.

Marion H. Pfeifer  
249 Garrison Circle  
Smyrna, DE 19977

To be appointed a member of the Kent County Board of Elections to serve a term to expire 4 years from Senate confirmation.

\* \* \*

The Secretary announced the agenda for June 09, 2004.

On motion of Senator McDowell, the Senate recessed at 05:29 PM, until June 09, 2004 at 03:30 PM.

The Senate reconvened at 03:57 PM on June 09, 2004 with Senator DeLuca presiding. A communication from the Office of Senator David P. Sokola was read into the record requesting **SA 1 to HB 187** be Stricken.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HS 1 to HB 77; HB 386 w/HA 1; HCR 80; HB 420; HB 349; HB 347; HB 424; HB 249; HS 1 to HB 408; HB 470**.

The following committee reports were announced.

From Judiciary: **SB 219** - 5 Merits; **SB 262** - 5 Merits; **SB 283** - 1 Favorable, 4 Merits; **SB 293** - 5 Merits; **SB 294** - 5 Merits; **SB 295** - 1 Favorable, 4 Merits; **SB 300** - 5 Merits; **SB 313** - 4 Merits, 1 Unfavorable; **SB 315** - 5 Merits; **HB 79** - 5 Merits; **HB 135 w/HA 1** - 5 Merits; **HB 399 w/HA 1** - 5 Merits **HB 411 w/HA 1** - 5 Merits; **HS 1 for HB 22** - 5 Merits.

From Natural Resources & Environmental Control: **SB 99** - 3 Merits.

From Health & Social Services: **SB 310** - 4 Merits.

From Energy & Transit: **SB 306** - 1 Favorable, 4 Merits; **SB 307** - 1 Favorable, 5 Merits; **SB 321** - 1 Favorable, 5 Merits; **SB 322** - 1 Favorable, 5 Merits.

From Banking: **SB 302** - 1 Favorable, 3 Merits.

From Education: **HB 187** - 5 Merits.

From Executive: **SB 312** - 4 Favorable; **HB 128** - 3 Favorable, 2 Merit.

From Public Safety: **SB 314** - 4 Merits; **HB 379** - 4 Merits.

From Insurance & Elections: **SB 304** - 4 Merits.

A communication from the office of Senator David B. McBride, requesting Representative Helene Keeley be added as a prime sponsor to **SB 234**.

At 04:05 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-fourth Legislative Day.

**34th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 09, 2004**

The Senate convened at 04:05 PM with Senator DeLuca 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 **SS 1 for SB 305** be Lifted from the Table and brought before the Senate for Consideration, under the suspension of the necessary rules.

**SS 1 for SB 305** - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ADVANCED PLANNING AND ACQUISITION FOR PUBLIC FACILITIES AND SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS.

**SA 1 to SS 1 for SB 305** was brought before the Senate for consideration on motion of Senator Cook.

Roll call vote on **SA 1 to SS 1 for SB 305** was taken and revealed:

YES: 21.

**SA 1 to SS 1 for SB 305** was declared part of the bill.

Senator Bonini marked present during the above roll call.

**SS 1 for SB 305 w/SA 1** was now before the Senate.

Senator Cook requested personal privilege of the floor for Robert Scogiletti, representing the Budget Office.

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

Senator Cook requested personal privilege of the floor for Constance C. Holland, representing State Planning.

Senators Amick and Marshall questioned the witness, after which the witness was excused.

Senators Cook and Bunting commented.

Roll call vote on **SS 1 for SB 305 w/SA 1** was taken and revealed:

YES: 21.

**SS 1 for SB 305 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 391** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 391** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PERMANENT STUDENT RECORDS IN PRIVATE BUSINESS AND TRADE SCHOOLS.

Senator Henry commented on the bill.

Roll call vote on **HB 391** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**HB 391** was declared passed the Senate and returned to the House.

**SS 1 for SB 275** was brought before the Senate for consideration on the motion of Senator Sokola.

**SS 1 for SB 275** - AN ACT TO AMEND TITLE 14, SECTION 506 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

**SA 1 to SS1 for SB 275** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 1 to SS 1 for SB 275** was taken and revealed:

YES: 21.

**SA 1 to SS 1 for SB 275** was declared part of the bill.

**SS 1 for SB 275 w/SA 1** was now before the Senate.

Senator Bonini requested to be added as a co-sponsor to **SS 1 for SB 275 w/SA 1**.

Roll call vote on **SS 1 for SB 275 w/SA 1** was taken and revealed:

YES: 21.

**SS 1 for SB 275 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 309** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 309** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF STATE VEHICLES.

**SA 1 to SB 309** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 1 to SB 309** was taken and revealed:

YES: 21.

**SA 1 to SB 309** was declared part of the bill.

**SB 309 w/SA 1** was now before the Senate.

Roll call vote on **SB 309 w/SA 1** was taken and revealed:

YES: 21.

**SB 309 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 99** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 99** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE TO PROVIDE FOR REGULATION OF WASTEWATER UTILITIES BY THE PUBLIC SERVICE COMMISSION.

**SA 1 to SB 99** was brought before the Senate on motion of Senator McBride.

Roll call vote on **SA 1 to SB 99** was taken and revealed:

YES: 21.

**SA 1 to SB 99** was declared part of the bill.

**SB 99 w/SA 1** was now before the Senate.

Senator McBride request personal privilege of the floor for Robert L. Stickels, representing Sussex County Council.

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

Senator McBride request personal privilege of the floor for Robert Maxwell, representing Delaware Association of Counties.

After addressing the Senate the witness was excused.

Senator Cook commented on the bill.

Roll call vote on **SB 99 w/SA 1** was taken and revealed:

YES: 20

NOT VOTING: Senator(s) McDowell - 1.

**SB 99 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 211** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 211** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO LICENSING AGENTS FOR HUNTING, FISHING, AND TRAPPING LICENSES.

Senator Venables request personal privilege of the floor for Secretary John Hughes, representing DNREC.

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

Senators Venables, McBride and McDowell commented.

Senator McDowell received a letter from Anthony P. Higgins in opposing of **SB 211** which was read to the record in its entirety. A copy is in the file for this Legislative Day.

Roll call vote on **SB 211** was taken and revealed:

YES: 13

NO: Senator(s) Blevins, Connor, Marshall, McBride, McDowell, Peterson, Sokola - 7.

ABSENT: Senator(s) Still - 1.

**SB 211** was declared passed the Senate and sent to the House for Consideration.

**SB 229 w/SA 1 & HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Peterson.

**SB 229 w/SA 1 HA 1** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.

Roll call vote on **SB 229 w/SA 1 & HA 1** was taken and revealed:

YES: 18

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

ABSENT: Senator(s) Still - 1.

**SB 229 w/SA 1 & HA 1** was declared passed the Senate and sent to the Governor.

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

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/09/2004**

**SS 1 for SB 305** - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ADVANCED PLANNING AND ACQUISITION FOR PUBLIC FACILITIES AND SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS. Sponsors: Sen. Cook & Rep. DiPinto; Sens. Sokola, Venables; Reprs. Roy, Reynolds; **Adopted in lieu of original LOT.**

**SB 321** - AN ACT TO AMEND TITLES 6, 7, 16, 29 AND 30 OF THE DELAWARE CODE RELATING TO DIESEL AND BIODIESEL FUEL. Sponsors: Sen. McDowell & Rep. DiPinto; Sens. Blevins, Cloutier, Cook, DeLuca, Sokola, Vaughn, Venables; Reprs. Atkins, Booth, Carey, Caulk, B. Ennis, D. Ennis, Hall-Long, Hocker, Keeley, Lavelle, Mulrooney, Oberle, Quillen, Roy, Viola; **Energy & Transit.**

**SB 322** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENERGY PERFORMANCE CONTRACTING ACT. Sponsors: Sen. McDowell; Sens. Blevins, Cloutier, Copeland, Henry, Marshall, Peterson; Reprs. B. Ennis, D. Ennis, George, Keeley, Lavelle, Mulrooney, Roy, Van Sant, Viola; **Energy & Transit.**

**SS 1 for SB 296** - AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE. Sponsors: Sen. Cook & Rep. DiPinto; Sens. Bunting, Vaughn; Reprs. Gilligan, Keeley; **Adopted in lieu of original assigned to Finance.**

**SB 323** - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH" TO APPROVE AN AMENDMENT OF SECTION 10(b) OF THE CHARTER OF THE TOWN OF DEWEY BEACH, DELAWARE ENTITLED "MANNER OF HOLDING ELECTIONS" TO PROVIDE FOR VOTER ELIGIBILITY IN MUNICIPAL ELECTIONS TO CERTAIN TRUSTEES OF TRUSTS TO WHICH REAL ESTATE LOCATED WITHIN THE TOWN HAS BEEN CONVEYED. Sponsors: Sen. Bunting & Rep. Hocker **Community/County Affairs.**

**SB 324** - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH" TO APPROVE AN AMENDMENT OF SECTION 10(a) OF THE CHARTER OF THE TOWN OF DEWEY BEACH, DELAWARE ENTITLED "MANNER OF HOLDING ELECTIONS" TO

PROVIDE FOR A VOTER REGISTRATION PROCEDURE FOR MUNICIPAL ELECTIONS. Sponsors: Sen. Bunting & Rep. Hocker; **Community/County Affairs**.

**SB 325** - AN ACT TO AMEND AN ACT BEING CHAPTER 326, VOLUME 71, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON", THE CHARTER OF THE RELATING TO ITS NAME AND IMPACT FEES. Sponsors: Sen. Adams & Rep. Carey; **Community/County Affairs**.

**SB 326** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE. Sponsors: Sen. Vaughn & Rep. Wagner; **Judiciary**.

**HB 249** - AN ACT TO AMEND TITLE 6 AND TITLE 7 OF THE DELAWARE CODE RELATING TO METHYL TERTIARY-BUTYL ETHER. Sponsors: Rep. Cathcart & Sen. McDowell; Reps. Lee, Buckworth, Carey, B. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Miro, Quillen, Stone, Ulbrich, Wagner, Keeley, Plant; Sens. Sorenson, Amick, Cloutier, Connor, Copeland, Simpson; **Energy & Transit**.

**HB 347** - AN ACT TO AMEND TITLE 22, DELAWARE CODE RELATING TO MONITION SALES BY MUNICIPALITIES. Sponsors: Rep. DiPinto & Sen. Marshall; Reps. Buckworth, D. Ennis, Fallon, Hudson, Gilligan, B. Ennis, George, Houghton, Keeley, Plant; Sen. Still; **Community/County Affairs**.

**HB 349** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POSSESSION OR CONCEALMENT OF PAINTBALL GUNS WITHIN THE CITY OF WILMINGTON. Sponsors: Rep. Keeley; Reps. Carey, DiPinto, George, Houghton, Hudson, Plant, Reynolds, Williams; Sens. Blevins, Henry, Marshall, McDowell; **Public Safety**.

**HB 386 w/HA 1** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF HARRINGTON", BEING CHAPTER 115, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, RELATING TO CHARTER REVISIONS FOR THE CITY OF HARRINGTON. Sponsors: Rep. Quillen & Sen. Bonini; **Community/County Affairs**.

**HB 420 w/HA 1** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JURISDICTION OVER CERTAIN CRIMINAL MATTERS. Sponsors: Rep. Valihura & Sen. Blevins; **Judiciary**.

**HB 424** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES. Sponsors: Rep. Smith & Sen. Vaughn; Rep. Spence, & Sen. Still, & Rep. Williams, & Rep. Van Sant; **Judiciary**.

**HB 470** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO PROPERTY TAXES AND THE EXEMPTION OF CERTAIN REAL PROPERTY FROM TAXATION. Sponsor: Rep. Atkins; Caulk & Sen. Bunting; Reps. Booth, Boulden, Buckworth, Carey, Cathcart, B. Ennis, D. Ennis, Ewing, Hall-Long, Hocker, Houghton, Lee, Miro, Mulrooney, Plant, Quillen, Reynolds, Spence, Thornburg, Valihura, Wagner; Sens. Adams, Bonini, Cook, Simpson, Venables; **Agriculture**.

**HS 1 for HB 408** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION. Sponsors: Rep. Oberle & Sen. Bunting; Reps. Spence, Lee, Atkins, Booth, Buckworth, Carey, Cathcart, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Lofink, Maier, Miro, Stone, Thornburg, Ulbrich, Valihura, B. Ennis, Hall-Long, Keeley, Mulrooney, Plant, Schwartzkopf, Viola; Sens. Cook, Sokola, Cloutier, Connor, Copeland; **Veterans Affairs**.

**HS 1 for HB 77** - AN ACT TO PROPOSE AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897 TO INCLUDE THE FAMILY COURT AND COURT OF COMMON PLEAS AS COURTS ESTABLISHED BY THE CONSTITUTION OF THE STATE OF DELAWARE AND ARTICLES III AND IV OF THE DELAWARE CONSTITUTION OF THE STATE OF DELAWARE TO DELETE REFERENCES TO THE ORPHANS' COURT. Sponsors: Rep. Wagner & Sen. Bunting; Reps. Buckworth, Carey, Cathcart, Ewing, Fallon, Hocker, Maier, Reynolds, Valihura, B. Ennis, Hall-Long, Keeley, Plant; **Judiciary**.

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The Secretary of the Senate announced a message from Debra Porter, Interim Supervisor, advising that parking on the Westside of Legislative Hall, will be interrupted for the Annual Special Olympics on June 10, 2004.

The Secretary announced the agenda for June 10, 2004.

On motion of Senator McDowell, the Senate recessed at 05:56 PM until June 10, 2004 at 02:00 PM.

The Senate reconvened at 03:12 PM on June 10, 2004, with Senator DeLuca presiding.

A withdraw of sponsorship request was read requesting Senator McBride be removed as co-sponsor of **HB 429**.

The following committee reports were announced:

From Community/County Affairs: **SB 323** – 4 Merits; **SB 324** – 4 Merits; **SB 325** – 4 Merits; **HB 347** – 4 Merits; **HB 386 w/HA 1** – 4 Merits; **HB 406** – 4 Merits; **HB 400 w/HA 1** – 4 Merits; **HB 407** – 4 Merits.

At 03:15 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-fifth Legislative Day.

**35th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 10, 2004**

The Senate convened at 03:15 PM. with Senator DeLuca presiding.

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

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

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

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

**HB 403** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook

**HB 403** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION.

Senator Cook requested personal privilege of the floor for David Singleton, Secretary of Finance.

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

Senator Still requested to be added as a co-sponsor to **HB 403**.

Roll call vote on **HB 403** was taken and revealed:

YES: 21

**HB 403** was declared passed the Senate and returned to the House.

Senators Amick, McBride, Sorenson marked present during the above roll call.

**SB 209** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 209** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO ESTABLISH A STERILE NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM TO PREVENT AIDS AND OTHER DISEASES.

Senator Henry requested personal privilege of the floor for John D. Baker, representing AIDS Delaware.

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

Senator Henry requested personal privilege of the floor for Renee Beaman, representing Beautiful Gate Outreach Center.

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

Senator Henry requested personal privilege of the floor for Mike Pollock, representing Delaware HIV Consortium.

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

Senator Henry requested personal privilege of the floor for George Meldrum, representing Wilmington Health Planning Council.

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

**SA 1 to SB 209** was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to SB 209** was taken and revealed:

YES: 21.

**SA 1 to SB 209** was declared part of the bill.

**SB 209 w/SA 1** was now before the Senate.

Senator Simpson questioned the sponsor.

Senator Still questioned the sponsor.

Senator Henry requested personal privilege of the floor for Frank Murphy, Senate Attorney.

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

Roll call vote on **SB 209 w/SA 1** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**SB 209 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator McDowell requested that **HS 1 for HCR 46** be Lifted from the Table and placed on the Consent Calendar.

Senator McDowell yields to Senator Marshall.

**SB 154** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 154** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT.

Senator Bonini questioned the sponsor.

Senator Marshall requested personal privilege of the floor for Harold E. Stafford, representing Delaware Secretary of Labor.

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

Senator Marshall requested personal privilege of the floor for G. Kevin Fasic, Esq., representing DSBA Labor & Empl. Sec. DE. State Chamber.

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

Roll call vote on **SB 154** was taken and revealed:

YES: 21.

**SB 154** was declared passed the Senate and sent to the House for Consideration.

**SB 237** was brought before the Senate for consideration on the motion of Senator Amick.

**SB 237** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVERS LICENSE RESTRICTIONS.

Senator Sokola commented on the bill.

Roll call vote on **SB 237** was taken and revealed:

YES: 15

NO: Senator(s) Blevins, Cook, Marshall, McBride, Peterson, Sokola, - 6.

**SB 237** was declared passed the Senate and sent to the House for Consideration.

**HB 211 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator McBride.

**HB 211 w/HA 1** - AN ACT TO AMEND CHAPTER 2, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF LANDSCAPE ARCHITECTURE.

**SA 1 to HB 211** was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on **SA 1 to HB 211** was taken and revealed:

YES: 21.

**SA 1 to HB 211** was declared part of the bill.

**SA 2 to HB 211** was brought before the Senate and Stricken. No objection.

**HB 211 w/HA 1 & SA 1** was now before the Senate.

Roll call vote on **HB 211 w/HA 1 & SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

**HB 211 w/HA 1 & SA 1** was declared passed the Senate and sent to the House for Reconsideration.

Senator McDowell request **SS 1 for SB 161** be first on the agenda for Thursday, June 17, 2004. No objection.

**SB 312** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 312** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE IN SUSSEX COUNTY.

Roll call vote on **SB 312** was taken and revealed:

YES: 20

ABSENT: Senator(s) Peterson - 1.

**SB 312** was declared passed the Senate and sent to the House for Consideration.

**HB 135 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 135 w/HA 1** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DESIGNER DRUGS OR OTHER CONTROLLED SUBSTANCES.

**SA 1 to HB 135** was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to HB 135** was taken and revealed:

YES: 21.

**SA 1 to HB 135** was declared part of the bill.

**SA 2 to HB 135** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 2 to HB 135** was taken and revealed:

YES: 20

ABSENT: Senator(s) Peterson - 1.

**SA 2 to HB 135** was declared part of the bill.

**HB 135 w/HA 1, SA 1 & SA 2** was now before the Senate.

Senator Vaughn requested personal privilege of the floor for Paul Wallace, representing the Attorney General's Office.

After addressing the Senate, the witness was excused.

Roll call vote on **HB 135 w/HA 1, SA 1 & SA 2** was taken and revealed:

YES: 21.

**HB 135 w/HA 1, SA 1 & SA 2** was declared passed the Senate and sent to the House for Reconsideration.

**HB 79** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 79** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO DIVORCE AND ANNULMENT.

Roll call vote on **HB 79** was taken and revealed:

YES: 21.

**HB 79** was declared passed the Senate and returned to the House.

**HS 1 for HB 22** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HS 1 for HB 22** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND DRIVERS' LICENSES.

**SA 1 to HS 1 for HB 22** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to HS 1 for HB 22** was taken and revealed:

YES: 21.

**SA 1 to HS 1 for HB 22** was declared part of the bill.

**HS 1 for HB 22 w/SA 1** was now before the Senate.

Senator Vaughn requested personal privilege of the floor for Justice Edward G. Davis, representing JP Courts.

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

Roll call vote on **HS 1 for HB 22 w/SA 1** was taken and revealed:

YES: 21.

**HS 1 for HB 22 w/SA 1** was declared passed the Senate and returned to the House for Reconsideration.

**SB 295** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 295** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

Senator Vaughn requested personal privilege of the floor for Christopher Ennis, representing Delaware State Police.

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

Roll call vote on **SB 295** was taken and revealed:

YES: 21.

**SB 295** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell request **HCR 80** be removed from the Consent Calendar and voted on separately.

Senator Bonini commented on **HCR 80**.

**HCR 80** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCR 80** - MOURNING THE DEATH OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES. jointly sponsored by Spence, Rep. Lee & Rep. Gilligan & Rep. Van Sant, On behalf of all Representatives; Sen. Adams & Sen. McDowell & Sen. Marshall & Sen. Still & Sen. Sorenson, On behalf of all Senators

Senator McDowell commented on the resolution.

Roll call vote on **HCR 80** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**HCR 80** was declared passed the Senate and returned to the House.

**SENATE CONSENT CALENDAR #14** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 40** - Peterson CREATING A TASK FORCE TO EXAMINE THE PREVALENCE OF LYME DISEASE IN THIS STATE AND TO MAKE RECOMMENDATIONS FOR THE PREVENTION OF LYME DISEASE AND FOR EDUCATIONAL PROGRAMS TO RAISE AWARENESS ABOUT THE LONG-TERM EFFECTS OF MISDIAGNOSIS OF LYME DISEASE.

**HS 1 for HCR 46** - Roy URGING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO STRENGTHEN TRADE RELATIONS WITH TAIWAN BY A FREE TRADE AGREEMENT AND TO SUPPORT THE PARTICIPATION OF TAIWAN IN THE UNITED NATIONS AND THE WORLD HEALTH ORGANIZATION.

**HCR 75** - Spence HONORING THE DELAWARE STATE COUNCIL KNIGHTS OF COLUMBUS AND CONGRATULATING THEM FOR THEIR SIGNIFICANT CONTRIBUTIONS TO THE CITIZENS OF DELAWARE OVER THE PAST SIXTY-ONE YEARS.

**SCR 39** - McBride COMMENDING DELAWARE STATE DENTAL SOCIETY ON THE ACHIEVEMENTS OF ITS FIRST ANNUAL GIVE KIDS A SMILE PROGRAM.

**HCR 76** - Maier RECOGNIZING MAY 9 -15, 2004 AS DELAWARE NURSING HOME WEEK.

**HCR 79** - Smith URGING THE DELAWARE DIVISION OF HISTORIC AND CULTURAL AFFAIRS TO IDENTIFY ABANDONED CEMETERIES THROUGHOUT THE STATE, TO MAKE RESOURCES AVAILABLE TO CARE FOR SUCH CEMETERIES, AND FOR THE DELAWARE OFFICE OF VOLUNTEERISM TO COORDINATE EFFORTS TO RESTORE SUCH ABANDONED CEMETERIES.

Senator Marshall requested **SCR 41** be removed. No objection.

Roll call vote on the **SENATE CONSENT CALENDAR #14** was taken and revealed 20 Senators voting YES, 1 Senator Bunting ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for Consideration.

**SCR 41** was brought before the Senate for consideration on the motion of Senator Simpson.

**SCR 41** – CREATING A COMMISSION TO STUDY STATEWIDE REASSESSMENT AND REVALUATION OF REAL PROPERTY.

Several Senators questioned the sponsor.

Senator Simpson moved to Lay **SCR 41** on the Table.

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

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/10/2004**

**SA 2 to HB 187** - Sponsor: Sen. Blevins; **Placed with the Bill.**

**SA 4 to HB 361** - Sponsor: Sen. Henry; Amick, Sen. Sorenson; **Placed with the Bill.**

**SB 327** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsor: Sen. Marshall & Rep. Oberle; Sen. Venables, & Rep. Lofink; **Small Business.**

**SB 328** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PERTAINING TO MATCHING GRANTS FROM THE DELAWARE STRATEGIC FUND FOR THE COSTS OF ENVIRONMENTAL ASSESSMENT AND REMEDIATION AT CERTIFIED BROWNFIELDS AND TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE HAZARDOUS SUBSTANCE CLEANUP ACT. Sponsors: Sen. McBride & Rep. Spence; Rep. Houghton; Sens. Bunting, Blevins, Sokola, Henry, Marshall, Connor; Reprs. Thornburg, Mulrooney, Carey, Caulk, Booth; **Natural Resources & Environmental Control.**

**SB 329** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO STEWARDSHIP OF COASTAL AND OCEAN RESOURCES. Sponsor: Sen. McBride; Sens. Sokola, Connor, McDowell, Henry, Blevins, Marshall, Sorenson, Cloutier, Peterson, Bonini, Vaughn; Reprs. B. Ennis, Hudson, Lofink, Wagner, Keeley, Hall-Long, Mulrooney, Valihura, Williams, Maier, Fallon, Van Sant, Cathcart, Lee, Buckworth, Atkins, Houghton, George, Viola,

Plant, Smith, Carey, Reynolds, Miro, Spence, Lavelle, Gilligan, Ewing, Roy, Caulk; **Natural Resources & Environmental Control**.

**SB 330** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS. Sponsor: Sen. Sokola & Rep. Reynolds; **Education**.

**SB 331** - AN ACT TO CREATE A TASK FORCE TO EXAMINE PHYSICAL ACTIVITY AND NUTRITION, POLICIES AND PROGRAMS IN DELAWARE AND TO DEVELOP A COMPREHENSIVE INTEGRATED PLAN TO INCREASE PHYSICAL ACTIVITY AND REDUCE OBESITY TO IMPROVE THE QUALITY OF LIFE FOR ALL DELAWAREANS. Sponsors: Sen. Bunting & Rep. Hall-Long, Rep. Ulbrich, & Rep. Maier; Sens. Sokola, Sorenson; Reps. DiPinto, Gilligan, Miro, Hocker, Hudson, Fallon; **Health & Social Services**.

**SB 332** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY. Sponsors: Sens. Connor, Amick & Sorenson, & Rep. Boulden; Sens. Adams, Blevins, Bonini, Bunting, Cloutier, Copeland, DeLuca, Henry, Marshall, McBride, Peterson, Simpson, Sokola, Still, Vaughn, Venables; Reps. Atkins, Buckworth, Carey, Cathcart, Caulk, B. Ennis, D. Ennis, Ewing, Fallon, Hall-Long, Hocker, Houghton, Hudson, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Quillen, Reynolds, Roy, Schwartzkopf, Spence, Valihura, Van Sant, Viola, DiPinto, Gilligan, Lavelle, Stone, Thornburg, George, Ulbrich; **Small Business**.

**SB 333** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LANDS PRESERVATION. Sponsors: Sen. Cook & Rep. Caulk, Sens. Bunting, Vaughn, Adams, Venables, Bonini, Simpson; Reps. Atkins, Booth, Carey, Hall-Long, Hocker, Mulrooney, Plant, Quillen, Thornburg; **Agriculture**.

**SA 1 to SB 219** - Sponsor: Sen. Simpson; Placed with the Bill.

\* \* \*

The Secretary announced the agenda for June 15, 2004.

Senator Simpson requested that **SB 219** be Stricken. No objection.

On motion of Senator McDowell, the Senate recessed at 06:12 PM, until June 15, 2004 at 01:30 PM.

The Senate reconvened at 02:04 PM on June 15, 2004, with Lt. Governor Carney presiding. Lt. Governor commented on his recent absence due to illness.

Senator Adams requested personal privilege of the floor for the introduction of Mrs. Linda Pusey, representing Miss Delaware Scholarship Organization, Mrs. Pusey addressed the Senate.

Each contestant in the Miss Delaware Pageant introduced themselves. Names listed in the file of this legislative day.

Reigning Miss Delaware, Erin E. Williams addressed the Senate, after which the group was excused.

Senator McDowell moved to recess for Party Caucus at 02:18 PM.

The Senate reconvened at 03:49 PM with Lt. Governor Carney presiding.

Lt. Governor introduced Boys States' Governor, Bradley Allen Schutt, Lt. Governor, Carlo Daniel Fiorella Jr., Treasurer, Kevin Joseph Simon and Auditor, Arun Hendi.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 79; HB 390 w/HA 1; HB 309; HB 359 w/ HA 2; HB 433 w/HA 1; SB 234 w/SA 1, SA 3 w/HA 1 aab HA 1, HA 2 & HA 3; HB 371; HB 397; HB 413; HB 229; HCR 72; SB 264; SB 212; SB 261 w/SA 1; SB 248 w/SA 1**.

The following committee reports were announced:

From Finance: **SS 1 for SB 296** – 6 Merits.

From Health & Social Services: **SB 331** – 4 Merits; **HB 377** – 4 Merits; **HB 378** – 4 Merits; **HB 416** – 4 Merits.

From: Veterans Affairs: **HS 1 for HB 408** – 2 Favorable, 4 Merits; **HB 326** - 2 Favorable, 2 Merits.

From: Insurance & Elections: **HB 374** – 4 Merits.

From Natural Resources & Environment Control: **SB 328** – 3 Merits; **HB 69** – 3 Merits; **HB 318 w/HA 1** – 3 Merits.

At 03:53 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-sixth Legislative Day.

**36th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 15, 2004**

The Senate convened at 03:53 PM with Lt. Governor Carney presiding.

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

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

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

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

**SB 283** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 283** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO NUISANCE PLANTS.

Senator Vaughn requested personal privilege of the floor for Dr. Faith B. Kuehn, representing Delaware Department of Agriculture, Plant Industries.

Senators Sokola and Simpson questioned the witness, after which the witness was excused.

**SA 1 to SB 283** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 283** was taken and revealed:

YES: 21

**SA 1 to SB 283** was declared part of the bill.

Senators McBride and Venables marked present during the above roll call.

**SB 283 w/SA 1** was now before the Senate.

Roll call vote on **SB 283 w/SA 1** was taken and revealed:

YES: 19

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

**SB 283 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 293** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 293** - AN ACT TO AMEND TITLE 29 CHAPTER 63 RELATING TO THE BUDGET COMMISSION.

Roll call vote on **SB 293** was taken and revealed:

YES: 21.

**SB 293** was declared passed the Senate and sent to the House for Consideration.

**SB 315** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 315** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CONTRACTING.

**SA 1 to SB 315** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 315** was taken and revealed:

YES: 21.

**SA 1 to SB 315** was declared part of the bill.

**SB 315 w/SA 1** was now before the Senate.

Senator Vaughn requested personal privilege of the floor for Gloria Homer, Secretary Department of Administrative Services

After addressing the Senate the witness was excused.

Roll call vote on **SB 315 w/SA 1** was taken and revealed:

YES: 21.

**SB 315 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 187** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 187** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE NEIGHBORHOOD SCHOOLS ACT OF 2000.

Senator Blevins requested that **SA 2 to HB 187** be Stricken. No objection.

**SA 3 to HB 187** was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Amick questioned the sponsor.

Roll call vote on **SA 3 to HB 187** was taken and revealed:

YES: 21.

**SA 3 to HB 187** was declared part of the bill.

**HB 187 w/SA 3** was now before the Senate.

Several Senators commented.

Roll call vote on **HB 187 w/SA 3** was taken and revealed:

YES: 18

NO: Senator(s) Henry, Marshall, McDowell - 3.

**HB 187 w/SA 3** was declared passed the Senate and sent to the House for Reconsideration.

**SB 304** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 304** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF CONTRIBUTIONS.

Several Senators questioned the sponsor.

**SA 1 to SB 304** was brought before the Senate for consideration on the motion of Senator

Still.

Several Senators questioned the sponsor.

Roll call vote on **SA 1 to SB 304** was taken and revealed:

YES: 13

NO: Senator(s) Cloutier, Connor, McBride, McDowell, Simpson, Sokola, Sorenson - 7.

NOT VOTING: Senator(s) Peterson - 1.

**SA 1 to SB 304** was declared part of the bill.

**SA 2 to SB 304** was brought before the Senate for consideration on the motion of Senator

Still.

Senator Still requested that **SA 2 to SB 304** be Stricken. No objection.

**SB 304 w/SA 1** is now before the Senate.

Several Senators commented on the bill.

Roll call vote on **SB 304 w/SA 1** was taken and revealed:

YES: 21.

**SB 304 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator Copeland requested personal privilege of the floor to introduce his wife, Bonnie and his children, Stephanie and Will.

**SB 306** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 306** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPAL BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES FOR ENERGY CONSERVATION.

Several Senators questioned the sponsor.

Senator Marshall requested personal privilege of the floor for Mr. Robert Maxwell, representing DE Association of Counties.

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

Senator McDowell requested personal privilege of the floor for Andrea Kreiner, representing the Office of the Governor.

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

Several Senators commented on the bill.

Roll call vote on **SB 306** was taken and revealed:

YES: 12

NO: Senator(s) Adams, Bonini, Bunting, Connor, Copeland, McBride, Simpson, Still,

Venables - 9.

**SB 306** was declared passed the Senate and sent to the House for Consideration.

**SB 321** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 321** - AN ACT TO AMEND TITLES 6, 7, 16, 29 AND 30 OF THE DELAWARE CODE RELATING TO DIESEL AND BIODIESEL FUEL.

Senator McDowell requested personal privilege of the floor for Martin Ross, representing himself. Mr. Ross commented on the bill.

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

Several Senators commented.

Roll call vote on **SB 321** was taken and revealed:

YES: 19

NO: Senator(s) Bonini - 1.

ABSENT: Senator(s) Blevins - 1.

**SB 321** was declared passed the Senate and sent to the House for Consideration.

**SS 1 for SB 322** was introduced and Adopted in Lieu of the Original and brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator McDowell.

**SS 1 for SB 322** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENERGY PERFORMANCE CONTRACTING ACT.

Senator DeLuca presiding at 06:26 PM.

Senator McDowell commented on the bill.

Several Senators questioned the sponsor.

Senator McDowell requested personal privilege of the floor for Robert Furmon, Director of Facilities Management.

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

Roll call vote on **SS 1 for SB 322** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

**SS 1 for SB 322** was declared passed the Senate and sent to the House for Consideration.

Senator Venables moved to reconsider **SB 297**.

**SB 297** – AN ACT TO AFFIRMATIVELY RE-ESTABLISH AND CONTINUE THE FUNCTIONS OF THE UNEMPLOYMENT INSURANCE APPEAL BOARD.

Senator McBride moved to rescind the roll call.

**SB 297** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator McBride.

**SA 1 to SB 297** was brought before the Senate for consideration on the motion of Senator Still.

Roll call vote on **SA 1 to SB 297** was taken and revealed:

YES: 18

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

ABSENT: Senator(s) Blevins - 1.

**SA 1 to SB 297** was declared part of the bill.

**SB 297 w/SA 1** was now before the Senate.

Several Senators commented on the bill.

Roll call vote on **SB 297 w/SA 1** was taken and revealed:

YES: 12

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

8.

ABSENT: Senator(s) Blevins - 1.

**SB 297 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.

The Secretary announced the agenda for June 16, 2004.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/15/2004**

**June 12, 2004**

**SA 1 to HB 400** - Sponsor: Sen. Blevins; Placed with the Bill.

**SA 1 to SB 302** - Sponsor : Sen. DeLuca; Placed with the Bill.

**June 15, 2004**

**SB 334** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CONSTABLES. Sponsor: Sen. Henry; Ewing, Rep. Schwartzkopf; **Public Safety**.

**SB 335** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S PUBLIC WORKS AND PROCUREMENT OPPORTUNITY COUNCIL. Sponsors: Sen. Blevins & Rep. Oberle; Sens. Henry, Connor, Amick, Sorenson; Reps. Viola, Hall-Long, Gilligan; **Small Business**.

**SB 336** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS. Sponsors: Sen. DeLuca & Rep. Buckworth; Sens. Adams, McBride, Simpson, Still, Vaughn; Reprs. Carey, Ewing, Gilligan, Lofink, Mulrooney, Spence; **Banking**.

**HB 229** - AN ACT TO AMEND CHAPTER 17, TITLE 29, DELAWARE CODE RELATING TO EMERGENCY INTERIM SUCCESSION. Sponsors: Rep. Spence & Adams; Reprs. Smith, Lee, Gilligan, Van Sant; Sens. McDowell, DeLuca, Still, Sorenson; **Executive**.

**HB 309** - AN ACT PROPOSING AN AMENDMENT TO ARTICLE 1, § 6 OF THE CONSTITUTION OF DELAWARE OF 1897, AS AMENDED, RELATING TO SEARCHES AND SEIZURES. Sponsors: Rep. Valihura & Sen. Vaughn; **Judiciary**.

**HB 359 w/HA 2** - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 5 OF TITLE 4, DELAWARE CODE, REGARDING TAXES AND LICENSE FEES. Sponsors: Rep. DiPinto; Reprs. Spence, Atkins, Cathcart, Hudson, Lofink, Oberle, Gilligan, Houghton, Keeley, Viola; Sens. Blevins, McBride, Sokola, Vaughn, Bonini, Copeland; **Small Business**.

**HB 371** - AN ACT TO AMEND CHAPTER 237, VOLUME 51, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE POWER TO RAISE REVENUE AND THE TEN YEAR EXEMPTION FOR PLANTS AND BUSINESSES BROUGHT WITHIN THE BOUNDARIES OF THE TOWN BY REASON OF FUTURE EXTENSIONS OF THE TOWN'S BOUNDARIES. Sponsors: Rep. Ewing & Sen. Adams **Community/County Affairs**.

**HB 390 w/HA 1** - AN ACT TO AMEND TITLE 4, DELAWARE CODE, PERTAINING TO POSSESSION AND CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS. Sponsors: Rep. Oberle, Ulbrich; Reprs. Buckworth, Carey, DiPinto, Ewing, Hocker, Hudson, Maier, Miro, Reynolds, Wagner, Van Sant, B. Ennis, Hall-Long, Keeley, Schwartzkopf, Viola; Sens. Blevins & Amick; **Judiciary**.

**HB 397** - AN ACT TO AMEND SUBCHAPTER II-A OF CHAPTER 50 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE TECHNICAL INNOVATION PROGRAM. Sponsors: Rep. Roy & Sen. Venables; **Small Business**.

**HB 413** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO D.N.A. ANALYSIS AND THE D.N.A. DATA BANK. Sponsors: Rep. Smith, Ewing; Sen. Vaughn; **Judiciary**.

**HB 433 w/HA 1** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO CONSUMER PROTECTION AND ASSISTIVE TECHNOLOGY DEVICES. Sponsors: Rep. Valihura, Stone; Sen. McDowell; Reprs. Cathcart, DiPinto, D. Ennis, Fallon, Hudson, Lavelle, Maier, Miro, Reynolds, Ulbrich; Sens. Amick, Blevins, Bunting, Connor, Cook, Marshall, Sokola, Sorenson, Still, Venables; **Small Business**.

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

Margaret A. Iorri  
279 Pine Valley Road  
Dover, DE 19904

To be reappointed a member of the Cash Management Policy Board to serve a term to expire 3 years from the date of Senate confirmation.

Douglas B. Catts  
515 Troon Road  
Dover, DE 19904

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

Gordon E. Wood, Sr.  
58 Daisey Avenue  
Ocean View, DE 19970

To be reappointed a member of the Environmental Appeals Board to serve a term to expire 3 years from the date of Senate confirmation.

Joshua M. Twilley  
124 Meadow Glen Drive  
Dover, DE 19901

To be reappointed a member a member of the Public Service Commission to serve a term to expire 5 years from the date of May 1, 2004.

The Honorable Howard Mulvaney, III  
615 Hickory Lane  
Seaford, DE 19973

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

The Honorable William J. Hopkins, Jr.  
7777 Main St.  
Bethel, DE 19931

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

The Honorable Marie E. Page  
847 Shallcross Lake Road  
Middletown, DE 19709

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

Vera Lynn Gregory  
401 West 22<sup>nd</sup> Street  
Wilmington, DE 19802

To be reappointed a member  
of the Violent Crimes  
Compensation Board to serve a term to expire 3  
years from Senate confirmation.  
\* \* \*

On motion of Senator McDowell, the Senate recessed at 07:13 PM until June 16, 2004 at 02:00 PM.

The Senate reconvened at 02:27 PM on June 16, 2004, with Senator DeLuca presiding.

The following committee reports were announced:

From: Highways & Transportation: **HB 63 w/HA 1** – 3 Merits 1 Unfavorable.

From Finance: **HB 294** – 6 Merits; **HB 421** – 6 Merits.

From Small Business: **SB 256** – 2 Merits, 1 Unfavorable; **SB 327** – 3 Merits; **SB 335** – 2 Merits, 1 Unfavorable; **SB 332** – 3 Merits.

From Judiciary: **SB 326** – 5 Merits.

From Banking: **SB 336** – 1 Favorable, 2 Merits.

From Education: **SB 330** – 3 Merits.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 464; HB 434 w/F/N; SB 278; HB 432 w/HA 1; HB 387 w/HA 2 & 3; HB 383; HB 463; SB 273; SB 274; SB 289; SB 287; SB 288; SB 286; SB 290.**

Lt. Governor Carney presiding at 02:31 PM.

A communication from the Office of Senator Catherine Cloutier was read in the record requesting she be added as a co-sponsor to **HB 433.**

At 02:31 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-seventh Legislative Day.

**37th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 16, 2004**

The Senate convened at 02:31 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 56 w/SA 1 & HA 1** was introduced under the suspension of the necessary rules and brought before the Senate for consideration on the motion of Senator Henry.

**SB 56 w/SA 1 & HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES FOR PERSONS CONVICTED OF DRUG OFFENSES.

Senator Still questioned the sponsor.

Roll call vote on **SB 56 w/SA 1 & HA 1** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bonini, Bunting - 2.

**SB 56 w/SA 1 & HA 1** was declared passed the Senate and sent to the Governor.

Senators Amick, Blevins, Connor, Marshall, Sorenson marked present during the above roll call.

The floor manager, Senator Henry requested that **HB 361** be Lifted from the Table and brought before the Senate for Consideration.

**HB 361** - AN ACT TO AMEND TITLES 7 AND 21 OF THE DELAWARE CODE RELATING TO PARKING.

Senator Henry requested personal privilege of the floor for Judge Edward Davis, Justice of the Peace Judge for Sussex County.

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

**SA 1 to HB 361** was brought before the Senate for consideration on the motion of Senator Henry.

Senator Henry requested that **SA 1 to HB 361** be Stricken. No objection.

Senator Henry requested that **SA 2 to HB 361** be Stricken. No objection.

Senator Amick requested that **SA 3 to HB 361** be Stricken. No objection.

**SA 4 to HB 361** was brought before the Senate for consideration on the motion of Senator Henry.

Senator Henry requested personal privilege of the floor for Judge Edward Davis, Justice of the Peace Judge for Sussex County.

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

Senator Henry moved to Lay **HB 361** on the Table. No objection.

**SB 310** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 310** AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO HOUSING AND THE DELAWARE STATE HOUSING AUTHORITY.

Senator Simpson questioned the sponsor.

Roll call vote on **SB 310** was taken and revealed:

YES: 19

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

**SB 310** was declared passed the Senate and sent to the House for Consideration.

Senators Bonini and Bunting marked present during the above roll call.

**SB 314** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 314** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON POLICE TRAINING.

**SA 1 to SB 314** was brought before the Senate for consideration on the motion of Senator Henry.

Roll call vote on **SA 1 to SB 314** was taken and revealed:

YES: 21.

**SA 1 to SB 314** was declared part of the bill.

Senators Henry and McDowell commented on the bill.

Senator Vaughn questioned the sponsor.

Senator Henry request personal privilege of the floor for Martin W. Johnson, representing Delaware Police Chiefs Counsel.

Senator Vaughn requested the witness explain the Police Officers' Bill of Rights, after which the witness was excused.

Roll call vote on **SB 314 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**SB 314 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 379** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 379** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMUNICATION DEVICES IN SCHOOL BUSES.

Senator Bonini questioned the floor manager.

Roll call vote on **HB 379** was taken and revealed:

YES: 21.

**HB 379** was declared passed the Senate and returned to the House.

**SB 302** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 302** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO BUILDING AND CONSTRUCTION PAYMENTS.

Senator DeLuca requested that **SA 1 to SB 302** be Stricken. No objection.

**SA 2 to SB 302** was brought before the Senate for consideration on the motion of Senator DeLuca.

Roll call vote on **SA 2 to SB 302** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson - 1.

**SA 2 to SB 302** was declared part of the bill.

**SB 302 w/SA 2** was now before the Senate.

Several Senators questioned the sponsor.

Roll call vote on **SB 302 w/SA 2** was taken and revealed:

YES: 21.

**SB 302 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 399 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 399** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IX, SECTION 3 OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897, AS AMENDED, RELATING TO THE TYPES OF CONSIDERATION THAT MAY BE RECEIVED IN EXCHANGE FOR THE ISSUANCE OF STOCK.

Senator Vaughn requested personal privilege of the floor for Richard Geisenberge, representing the Office of the Secretary of State.

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

Roll call vote on **HB 399 w/HA 1** was taken and revealed:

YES: 21.

**HB 399 w/HA 1** was declared passed the Senate and returned to the House.

**HB 411 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 411 w/HA 1** - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES.

Senator Vaughn requested personal privilege of the floor for Richard Geisenberge, representing the Office of the Secretary of State.

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

Roll call vote on **HB 411 w/HA 1** was taken and revealed:

YES: 21.

**HB 411 w/HA 1** was declared passed the Senate and returned to the House.

**SB 300** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 300** AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO UNDERAGE POSSESSION OF TOBACCO PRODUCTS.

**SA 1 to SB 300** was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to SB 300** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

**SA 1 to SB 300** was declared part of the bill.

**SB 300 w/SA 1** was now before the Senate.

Several Senators questioned the sponsor.

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

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

Roll call vote on **SB 300 w/SA 1** was taken and revealed:

YES: 17

NO: Senator(s) Copeland, Simpson, Vaughn, Venables - 4.

**SB 300 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 400 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 400 w/HA 1** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.

Senator Blevins requested that **SA 1 to HB 400** be Stricken. No objection.

**SA 2 to HB 400** was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Blevins requested that **SA 2 to HB 400** be Stricken. No objection.

**SA 3 to HB 400** was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 3 to HB 400** was taken and revealed:

YES: 21.

**SA 3 to HB 400** was declared part of the bill.

**HB 400 w/HA 1 & SA 3** was now before the Senate.

Senator Blevins requested personal privilege of the floor for Mark Wagman, representing Jewish Community Relations Committee of the Jewish Federation of Delaware.

After addressing the Senate, the witness was excused.

Senator McDowell commented on the bill.

Senators Peterson, McDowell, Marshall and Bunting were added as co-sponsors.

Roll call vote on **HB 400 w/HA 1 & SA 3** was taken and revealed:

YES: 21.

**HB 400 w/HA 1 & SA 3** was declared passed the Senate and sent to the House for Reconsideration.

**SB 245** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 245** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE SOLID WASTE AUTHORITY AND RECYCLING.

**SA 1 to SB 245** brought before the Senate for consideration on the motion of Senator McBride.

Senator Simpson questioned the sponsor.

Senator McBride requested personal privilege of the floor for Paul Wilkerson, representing Recycling Public Advisory Council.

Senators Simpson and Copeland questioned the witness.

Senator DeLuca presiding at 04:42 PM.

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

Roll call vote on **SA 1 to SB 245** was taken and revealed:

YES: 21.

**SA 1 to SB 245** was declared part of the bill.

Sen. Deluca requested to be added as a co-sponsor.

Several Senators commented.

Roll call vote on **SB 245 w/SA 1** was taken and revealed:

YES: 21.

**SB 245 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 298** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 298** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REAL PROPERTY ACQUISITION AND THE EXERCISE OF EMINENT DOMAIN.

Senators Henry and Peterson questioned the sponsor.

Senator Venables commented.

**SA 1 to SB 298** was brought before the Senate for consideration on the motion of Senator Venables.

Roll call vote on **SA 1 to SB 298** was taken and revealed:

YES: 21.

**SA 1 to SB 298** was declared part of the bill.

Senator Venables moved to Lay **SB 298 w/SA 1** on the Table.

**SB 323** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 323** - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH" TO APPROVE AN AMENDMENT OF SECTION 10(b) OF THE CHARTER OF THE TOWN OF DEWEY BEACH, DELAWARE ENTITLED "MANNER OF HOLDING ELECTIONS" TO PROVIDE FOR VOTER ELIGIBILITY IN MUNICIPAL ELECTIONS TO CERTAIN TRUSTEES OF TRUSTS TO WHICH REAL ESTATE LOCATED WITHIN THE TOWN HAS BEEN CONVEYED.

Senators Bonini and McBride questioned the sponsor.

Roll call vote on **SB 323** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**SB 323** was declared passed the Senate and sent to the House for Consideration.

**SB 324** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 324** - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH" TO APPROVE AN AMENDMENT OF SECTION 10(a) OF THE CHARTER OF THE TOWN OF DEWEY BEACH, DELAWARE ENTITLED "MANNER OF HOLDING ELECTIONS" TO PROVIDE FOR A VOTER REGISTRATION PROCEDURE FOR MUNICIPAL ELECTIONS.

Senator Copeland commented on the bill.

Roll call vote on **SB 324** was taken and revealed:

YES: 19

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

**SB 324** was declared passed the Senate and sent to the House for Consideration.

**SS 2 for SB 296** was introduced and Adopted in Lieu of the Original and brought before the Senate for consideration, under the suspense of the necessary rules, on the motion of Senator Cook.

**SS 2 for SB 296** – AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE.

Senators Still and Simpson questioned the sponsor.

Senator Cook moved to Lay **SS 2 for SB 296** on the Table.

**SB 325** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 325** - AN ACT TO AMEND AN ACT BEING CHAPTER 326, VOLUME 71, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON", THE CHARTER OF THE RELATING TO ITS NAME AND IMPACT FEES.

**SA 1 to SB 325** was brought before the Senate for consideration.

Senator Adams requested that **SA 1 to SB 325** be Stricken. No objection.

**SA 2 to SB 325** was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 2 to SB 325** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall - 1.

**SA 2 to SB 325** was declared part of the bill.

Roll call vote on **SB 325 w/SA 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall - 1.

**SB 325 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 230** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 230** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.

Several Senators questioned the sponsor.

Senator Henry requested personal privilege of the floor for Mike Morton, representing the Controller General Office.

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

Senator McBride commented.

Senator Henry moved to Lay **HB 230** on the Table.

**HB 374** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 374** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

Several Senators questioned the sponsor.

Senator Blevins requested personal privilege of the floor for Tim Ring, representing MetLife.

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

Senator Blevins moved to Lay **HB 374** on the Table.

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

The Secretary of the Senate announced a message from the Governor informing the Senate of her intent to submit the name of William N. Nicholas, to be reappointed an Associate Judge of the Family Court in Kent County.

The Secretary of the Senate announced a message from the Governor informing the Senate of her intent to submit the name of Honorable Henry duPont Ridgely, to be appointed as an Associate Justice of the Supreme Court of the State of Delaware.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/16/2004**

**June 15, 2004**

**SB 337** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATED TO PUBLIC UTILITIES AND TERMINATIONS OF SERVICE OR SALE. Sponsors: Sen. Adams & Rep. Roy; **Small Business**.

**June 16, 2004**

**SB 338** - AN ACT TO AMEND TITLES 3 AND 29 OF THE DELAWARE CODE RELATING TO THOROUGHbred RACING. Sponsors: Sen. Cook & Rep. Oberle; Sens. McBride, DeLuca; Rep. Spence; **Finance**.

**SB 339** - AN ACT TO HONOR JOHN E. BURRIS BY NAMING THE PUBLIC EXHIBITION AREAS OF THE DELAWARE PUBLIC ARCHIVES AS THE "JOHN E. BURRIS GALLERY". Sponsors: Sen. Simpson & Adams. On behalf of all Senators; Rep. Carey, & Rep. Caulk, On behalf of all Representatives; **Executive**.

**HB 369 w/HA 1** - AN ACT TO AMEND TITLES 11 AND 16 OF THE DELAWARE CODE RELATING TO TONGUE SPLITTING. Sponsors: Rep. Van Sant & Sen. Blevins; Reps. Atkins, Buckworth, B. Ennis, Ewing, Fallon, Hall-Long, Lee, Maier, Mulrooney, Plant, Schwartzkopf, Thornburg; Sens. Amick, Henry, Sorenson, Still; **Judiciary**.

**HB 373 w/HA 1, HA 2** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO NURSING FACILITIES AND SIMILAR FACILITIES AND HOME-BASED AND COMMUNITY-BASED SERVICES. Sponsors: Rep. Maier & Sen. Blevins, Rep. Valihura; Reps. B. Ennis, Hudson, Stone, Ulbrich, Van Sant; Sens. Henry, Sokola, Sorenson; **Health & Social Services**.

**HB 383** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE SCHOOL DISTRICT ENROLLMENT CHOICE PROGRAM. Sponsors: Rep. Ulbrich & Sen. Sokola; **Education**.

**HB 387 w/HA 2, HA 3** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES. Sponsor: Rep. Buckworth; McBride, Rep. Hudson, & Sen. Still, & Rep. Ewing; **Public Safety**.

**HB 415** - AN ACT TO AMEND CHAPTER 67 OF TITLE 16 OF THE DELAWARE CODE PERTAINING TO AMBULANCE SERVICE. Sponsors: Rep. B. Ennis, Lee & Sen. Blevins, & Sen. Simpson, & Sen. Vaughn; Reps. Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lofink, Miro, Mulrooney, Plant, Schwartzkopf, Spence, Thornburg, Van Sant, Viola, Wagner, Williams; **Health & Social Services**.

**HB 432 w/HA 1** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT. Sponsor: Rep. Wagner; Still; **Health & Social Services**.

**HB 434** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENERGY ADVISORY COUNCIL, ENERGY PLANNING AND CABINET COMMITTEE ON ENERGY. Sponsors: Rep. DiPinto & Sen. McDowell; Reps. D. Ennis, Lavelle, Oberle, Roy, Valihura, B. Ennis, Hall-Long, Keeley, Mulrooney, Viola; Sens. Blevins, Bunting, Cook, DeLuca, Sokola, Venables; **Energy & Transit**.

**HB 435** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. Sponsors: Rep. DiPinto & Sen. McDowell; Reps. D. Ennis, Lavelle, Oberle, Roy, Valihura, B. Ennis, Hall-Long, Keeley, Mulrooney, Viola; Sens. Blevins, Bunting, DeLuca, Sokola, Venables; **Energy & Transit**.

**HB 448 w/HA 1** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE SAFETY. Sponsors: Rep. Lee & Sen. Henry; **Public Safety**.

**HB 454 w/HA 1** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY TAXES AND HISTORIC FARM STRUCTURES. Sponsors: Rep. Valihura & Caulk; Sens. Vaughn & Venables; Reps. Atkins, Booth, Buckworth, Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Hall-Long, Hocker, Hudson, Lee, Maier, Mulrooney, Smith, Spence, Thornburg; Sens. Bunting, Simpson, Still; **Agriculture**.

**HB 463** - AN ACT TO AMEND CHAPTER 38, TITLE 12 OF THE DELAWARE CODE RELATING TO STATUTORY TRUSTS. Sponsors: Reps. Stone & Valihura; Sen. DeLuca;

**Banking.**

**HB 464** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD. Sponsor: Reps. Hudson & Sen. Sokola; **Public Safety.**

**HB 467** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO FARM TRUCKS AND OTHER FARM VEHICLES. Sponsors: Rep. Caulk & Sen. Bunting; Reps. Atkins, Booth, Buckworth, Carey, Ewing, Fallon, Hocker, Lee, Quillen, Stone, Thornburg, Wagner, B. Ennis, Hall-Long, Schwartzkopf; Sens. Adams, Cook, Vaughn, Venables, Bonini, Simpson, Still; **Agriculture.**

**HB 481** - AN ACT TO AMEND CHAPTER 48 OF TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD SAFETY RESTRAINTS. Sponsors: Rep. Schwartzkopf & Sen. Henry; Reps. Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hall-Long, Houghton, Hudson, Maier, Mulrooney, Plant, Reynolds, Van Sant, Viola, Williams; **Public Safety.**

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The Secretary announced the agenda for June 17 2004.

On motion of Senator McDowell, the Senate recessed at 06:23 PM until June 17 2004 at 02:00 PM.

The Senate reconvened at 02:34 PM on June 17, 2004, with Lt. Governor Carney presiding.

The following committee reports were announced:

From Finance: **SB 269** - 6 Merits; **SB 311** - 6 Merits.

From Agriculture: **SB 333** - 4 Merits.

From Public Safety: **SB 334** - 5 Merits; **HB 349** - 5 Merits.

Small Business: **SB 337** - 3 Merits.

Highways & Transportation: **HB 437** - 4 Merits.

At 02:34 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-eighth Legislative Day.

**38th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 17, 2004**

The Senate convened at 02:34 PM. with Senator DeLuca 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.

Senator Connor introduced members of Girl Scout Troop #874 and their leader, Carol Ford, along with her husband, Bill. She also, introduced members of Girl Scout Troop #68 along with their leader, Susan Matthews.

Senator Sorenson introduced members of First State Series Women Program.

Senator(s) Marshall and McBride marked present.

Senator Bonini commented.

**HB 128** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 128** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GREAT SEAL OF THE STATE.

Senator Adams requested personal privilege of the floor for Timothy Werbrich and his students Hayden Carter, Andrew Hibler, Nicole O'Neal, Yaxier Torres, Michelle Arriaga, Steven Cowgill, Andrew Hicks, Isaac Watkins, representing Bayard Intermediate School.

After addressing the Senate the witnesses were excused.

Roll call vote on **HB 128** was taken and revealed:

YES: 21.

**HB 128** was declared passed the Senate and returned to the House.

Senator Cook requested that **SS 2 for SB 296** be Lifted from the Table and brought before the Senate for Consideration.

**SS 2 for SB 296** - AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE.

Senator Cook requested personal privilege of the floor for Lt. Col. David Deputy, representing the DE National Guard.

After addressing the Senate, the witness was excused.

Roll call vote on **SS 2 for SB 296** was taken and revealed:

YES: 21.

**SS 2 for SB 296** was declared passed the Senate and sent to the House for Consideration.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 81** and **HCR 82**.

**HCR 81** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HCR 81** - RECOGNIZING THE MULTIPLE BARRIERS AND UNMET NEEDS OF GRANDPARENTS AND OTHER RELATIVE CAREGIVERS AND THE CHILDREN THEY ARE RAISING.

Roll call vote on **HCR 81** was taken and revealed:

YES: 21.

**HCR 81** was declared Adopted by the Senate and returned to the House.

**HB 377** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 377** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION AND INSPECTION OF A CREMATORY.

Roll call vote on **HB 377** was taken and revealed:

YES: 19

ABSENT: Senator(s) McDowell, Venables - 2.

**HB 377** was declared passed the Senate and returned to the House.

Senator Blevins moved to defer **HB 378**.

**HB 416** was Lifted from the Table and brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 416** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE TO ESTABLISH THE AUTHORITY TO DIRECT THE DISPOSITION OF A PERSON'S LAST REMAINS.

Senator Peterson requested to be added as a co-sponsor.

Senator Amick questioned the sponsor.

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

Senators Amick and Sokola questioned the witness, after which the witness was excused.

Roll call vote on **HB 416** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

**HB 416** was declared passed the Senate and returned to the House.

**HB 69** was brought before the Senate for consideration on the motion of the floor manager, Senator McBride.

**HB 69** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DEER HUNTING.

Senator Peterson commented on the bill.

Roll call vote on **HB 69** was taken and revealed:

YES: 17

NO: Senator(s) Henry - 1.

NOT VOTING: Senator(s) Peterson, Sorenson - 2.

ABSENT: Senator(s) McDowell - 1.

**HB 69** was declared passed the Senate and returned to the House.

**HB 318 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator McBride.

**HB 318 w/HA 1** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO STATE PARKS.

Senator Sorenson questioned the floor manager.

Senator McBride requested personal privilege of the floor for Charles Salkin, representing DNREC Parks.

Senators Sorenson, Sokola and Simpson questioned the witness, after which the witness was excused.

Roll call vote on **HB 318 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

**HB 318 w/HA 1** was declared passed the Senate and returned to the House.

**HB 326** was brought before the Senate for consideration on the motion of the floor manager, Senator Bunting.

**HB 326** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE PROVIDING CERTAIN RESIDENT VETERANS OF THE ARMED FORCES WITH FREE HUNTING AND FISHING LICENSES AND FREE PASSES TO THE STATE'S PARKS FOR A YEAR.

Roll call vote on **HB 326** was taken and revealed:

YES: 21.

**HB 326** was declared passed the Senate and returned to the House.

**HS 1 for HB 408** was brought before the Senate for consideration on the motion of the floor manager, Senator Bunting.

**HS 1 for HB 408** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION.

Roll call vote on **HS 1 for HB 408** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

**HS 1 for HB 408** was declared passed the Senate and returned to the House.

Senator Venables requested that **SB 298 w/SA 1** be Lifted from the Table and brought before the Senate for Consideration.

**SB 298 w/SA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REAL PROPERTY ACQUISITION AND THE EXERCISE OF EMINENT DOMAIN.

**SA 2 to SB 298** was brought before the Senate for consideration on the motion of Senator Peterson.

Roll call vote on **SA 2 to SB 298** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

**SA 2 to SB 298** was declared part of the bill.

**SB 298 w/SA 1 & SA 2** was now before the Senate.

Roll call vote on **SB 298 w/SA 1 & SA 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

**SB 298 w/SA 1 & SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 63 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 63 w/HA 1** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REFLECTIVE MATERIAL ON LARGE TRASH CONTAINERS LOCATED ON HIGHWAYS.

Roll call vote on **HB 63 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

**HB 63 w/HA 1** was declared passed the Senate and returned to the House.

**SB 328** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 328** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PERTAINING TO MATCHING GRANTS FROM THE DELAWARE STRATEGIC FUND FOR THE COSTS OF ENVIRONMENTAL ASSESSMENT AND REMEDIATION AT CERTIFIED BROWNFIELDS AND TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE HAZARDOUS SUBSTANCE CLEANUP ACT.

Senator Still questioned the sponsor.

Senator McBride requested personal privilege of the floor for David Small, representing DNREC.

After addressing the Senate the witness was excused.

Roll call vote on **SB 328** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

**SB 328** was declared passed the Senate and sent to the House for Consideration.

**SB 234 w/SA 1, SA 3 & HA 1, HA 1 to HA1, HA 2, HA 3** was brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator McBride.

**SB 234 w/SA 1, SA 3, HA 1, HA 1 to HA 1, HA 2, HA 3** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF GO-PEDS OR MOTORIZED SKATEBOARDS OR SCOOTERS.

Several Senators questioned the sponsor.

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

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

Senator Copeland commented.

Roll call vote on **SB 234 w/SA 1, SA 3 & HA 1, HA 1 to HA 1, HA 2, HA 3** was taken and revealed:

YES: 15

NO: Senator(s) Bonini, Copeland, Simpson, Venables - 4.

NOT VOTING: Senator(s) Cloutier - 1.

ABSENT: Senator(s) Peterson - 1.

**SB 234 w/SA 1, SA 3 & HA 1, HA 1 to HA 1, HA 2, HA 3** was declared passed the Senate and sent to the Governor.

**SB 307** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 307** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT.

**SA 1 to SB 307** was brought before the Senate for consideration on the motion of Senator McDowell.

Senators Venables questioned the sponsor.

Senator McDowell requested personal privilege of the floor for Secretary Gloria Homer.

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

Roll call vote on **SA 1 to SB 307** was taken and revealed:

YES: 21.

**SA 1 to SB 307** was declared part of the bill.

**SB 307 w/SA 1** was now before the Senate.

Roll call vote on **SB 307 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**SB 307 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

At 04:15 PM, Lt. Governor Carney presiding.

**HB 378** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 378** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S COUNCIL ON VOLUNTEER SERVICES.

**SA 1 to HB 378** was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to HB 378** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**SA 1 to HB 378** was declared part of the bill.

**HB 378 w/SA 1** was now before the Senate.

Roll call vote on **HB 378 w/SA 1** was taken and revealed:

YES: 21.

**HB 378 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**HB 374** was Lifted from the Table and brought before the Senate for Consideration on the motion of the floor manager, Senator Blevins.

**HB 374** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

Senator Still commented.

Roll call vote on **HB 374** was taken and revealed:

YES: 19

NO: Senator(s) Still - 1.

ABSENT: Senator(s) Peterson - 1.

**HB 374** was declared passed the Senate and returned to the House.

**HB 421** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 421** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME.

Roll call vote on **HB 421** was taken and revealed:

YES: 21.

**HB 421** was declared passed the Senate and returned to the House.

**SB 327** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 327** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Senator Still questioned the sponsor.

Senator Marshall request personal privilege of the floor for Secretary Harold E. Stafford, representing DE Department of Labor.

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

Roll call vote on **SB 327** was taken and revealed:

YES: 21.

**SB 327** was declared passed the Senate and sent to the House for Consideration.

**SB 335** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 335** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S PUBLIC WORKS AND PROCUREMENT OPPORTUNITY COUNCIL.

Roll call vote on **SB 335** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, Copeland, Simpson, Still, Venables - 5.

**SB 335** was declared passed the Senate and sent to the House for Consideration.

**SB 337** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 337** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATED TO PUBLIC UTILITIES AND TERMINATIONS OF SERVICE OR SALE.

Roll call vote on **SB 337** was taken and revealed:

YES: 21.

**SB 337** was declared passed the Senate and sent to the House for Consideration.

**SB 326** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 326** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE.

Roll call vote on **SB 326** was taken and revealed:

YES: 21.

**SB 326** was declared passed the Senate and sent to the House for Consideration.

**HB 437** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 437** - AN ACT TO AMEND TITLE 17 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF TRANSPORTATION.

Senator McDowell questioned the floor manager.

Senator DeLuca commented.

Roll call vote on **HB 437** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cloutier - 1.

**HB 437** was declared passed the Senate and returned to the House.

**SB 311** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 311** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO EXCESS REIMBURSEMENTS TO PUBLIC ASSISTANCE PROGRAM PROVIDERS.

Senator Bonini questioned the sponsor.

Senator Marshall requested personal privilege of the floor for Steve Wood, Attorney General's Office.

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

Roll call vote on **SB 311** was taken and revealed:

YES: 19

NO: Senator(s) Henry - 1.

ABSENT: Senator(s) Still - 1.

**SB 311** was declared passed the Senate and sent to the House for Consideration.

**SS 1 for SB 161** was brought before the Senate for consideration on the motion of Senator McDowell.

**SS 1 for SB 161** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO RENEWABLE ENERGY PORTFOLIO STANDARDS.

**SA 1 to SS 1 for SB 161** was brought before the Senate for consideration on the motion of Senator McDowell.

Senators Bunting and McBride questioned the sponsor.

Senator McBride requested personal privilege of the floor for Wilson Rickerson, Delaware Senate Energy & Transit.

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

Senator McDowell requested personal privilege of the floor for Bill Andrew, representing DE Electric Co-op.

Senators Simpson and Bunting questioned the witness, after which the witness was excused. Several Senators questioned the sponsor.

Senator McDowell requested personal privilege of the floor for David Swayze, representing DNREC.

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

Senator McDowell once again requested personal privilege of the floor for Wilson Rickerson.

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

On motion of Senator McDowell **SA 1 to SS 1 for SB 161 and SS1 for SB 161** was Laid on the Table.

**HB 294** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 294** - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO PREVAILING WAGE REQUIREMENTS IN PUBLIC CONSTRUCTION CONTRACTS.

**SA 1 to HB 294** was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to HB 294** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Blevins - 1.

ABSENT: Senator(s) Still - 1.

**SA 1 to HB 294** was declared part of the bill.

**HB 294 w/SA 1** was now before the Senate.

Roll call vote on **HB 294 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Still - 1.

**HB 294 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**SB 252** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 252** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO VOTER REGISTRATION AND THE CHANGE OF PARTY DESIGNATION.

Senator Bonini requested to be added as a co-sponsor.

Roll call vote on **SB 252** was taken and revealed:

YES: 19

NO: Senator(s) Cook - 1.

ABSENT: Senator(s) Still - 1.

**SB 252** 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 of the Senate read a communication on behalf of Senator DeLuca announcing a Banking Committee meeting on Wednesday, June 23, 2004.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/17/2004**

**June 16, 2004**

**SA 1 to HB 294** - Sponsor: Sen. Marshall; Placed with the Bill.

**SA 1 to SB 329** - Sponsor: Sen. McBride; Placed with the Bill.

**June 17, 2004**

**SB 341** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TRANSIENT NURSERY RETAILERS. Sponsors: Sen. Peterson & Rep. Spence, Rep. Maier; **Agriculture**.

**SB 342** - AN ACT TO AMEND TITLE 16 AND TITLE 11 OF THE DELAWARE CODE RELATING TO DRUG OFFENSES. Sponsors: Sen. Sorenson & Sen. Henry, Sen. McDowell, & Sen. Simpson, & Rep. George, & Rep. Hall-Long, & Rep. Hudson, & Rep. Maier, & Rep. Van Sant; **Judiciary**.

**SB 343** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY. Sponsors: Sen. DeLuca & Rep. Oberle; **Community/County Affairs**.

**SB 344** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ABOVE GROUND STORAGE TANKS. Sponsors: Sen. McBride & Rep. Booth; Sens. Connor, Bunting, Simpson; Reps. Carey, Thornburg; **Natural Resources & Environmental Control**.

**SB 345** - AN ACT TO AMEND TITLE 29, SECTION 6962 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS. Sponsors: Sens. DeLuca & Peterson, Rep. DiPinto & Sen. Vaughn; Reps. Lofink, Hudson; **Small Business**.

**SB 347** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATED TO STATE GOVERNMENT AND BOND AND CAPITAL IMPROVEMENT ACT POLICIES AND PROCEDURES. Sponsors: Sen. Peterson & Rep. Maier; **Bond Bill**.

**SB 348** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY. Sponsors: Sen. DeLuca & Rep. Oberle; **Judiciary**.

\* \* \*

The Secretary announced the agenda for June 22, 2004.

Senator McDowell announced Sen. Henry's birthday and extended best wishes.

Senator Cook announced Senator Sokola's 26<sup>th</sup> wedding anniversary and extended best wishes.

On motion of Senator McDowell, the Senate recessed at 06:15 PM until 02:00 PM on June 22, 2004.

The Senate reconvened at 02:25 PM, on June 22, 2004 with Lt. Governor Carney presiding.

The following committee reports were announced

From Agriculture: **SB 341** - 6 Merits.

From Children, Youth & Families: **HB 401** - 6 Merits.

From Energy & Transit: **HB 249** - 5 Merits; **HB 434** - 6 Merits; **HB 435** - 1 Favorable, 4 Merits.

From Health & Social Services: **HB 415** - 4 Merits.

From Natural Resources & Environmental Control: **SB 344** - 3 Merits; **HJR 29** - 2 Favorable, 1 Merit, 1 Unfavorable.

From: Small Business: **HB 359 w/HA 2** - 3 Merits; **HB 397** - 3 Merits; **HB 430** - 3 Merits; **HB 433 w/HA 1** - 3 Merits; **HB 468** - 3 Merits; **SB 291** - 2 Merits, 1 Unfavorable.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **SCR 39; SCR 40; HB 468; HB 455 w/HA 1; HB 474; HB 430; HB 445; HB 442 w/HA 1; HJR 30; SB 99 w/SA 1; HB 449; HCR 84; HB 369 w/HA 1; HB 454 w/HA 1; HB 467; HB 435; SB 282; SB 265; SB 221; SB 270; SS1 for SB 272; SB 56 w/HA 1 & SA 1; HB 373 w/HA 1 & 2; HB 448 w/HA 1; HB 415; HB 481; SB 228; SB 165 w/SA 1, 2 & 4 & HA 1, 3 & 4.**

A withdrawal of Sponsorship request was read: Representative Dennis P. Williams was removed from **SB 340**.

At 02:30 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Thirty-ninth Legislative Day.

**39th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 22, 2004**

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 objection.

Senator Sorenson requested personal privilege of the floor for several Eagle Scouts and each introduced themselves: Jonathan Weaver, Abraham Christian, James Patrick Bailey, Shane Fleming, James Leuze, James Bennett, Robert Burke, Jr. and Greg Sweeney. The scouts were then excused.

**HCR 84** was brought before the Senate for consideration on the motion of the floor manager, Senator Sorenson.

**HCR 84** - COMMENDING THE 2003 EAGLE SCOUTS FOR HAVING ATTAINED THE HIGHEST RANK ONE CAN EARN IN THE BOY SCOUTS OF AMERICA.

Roll call vote on **HCR 84** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**HCR 84** was declared Adopted by the Senate and returned to the House.

Senators Bonini and Still were marked present during the above roll call.

Senator McDowell moved to recess for Party Caucus at 02:38 PM.

The Senate reconvened at 04:13 PM with Lt. Governor Carney presiding.

Senator McDowell requested that **SS 1 for SB 161** be Lifted from the Table and brought before the Senate for Consideration.

**SA 1 to SS 1 for SB 161** was Lifted from the Table and brought before the Senate for Consideration.

Senator Still questioned the sponsor.

Roll call vote on **SA 1 to SS 1 for SB 161** was taken and revealed:

YES: 21

**SA 1 to SS 1 for SB 161** was declared part of the bill.

**SS 1 for SB 161 w/SA 1** was now before the Senate.

Senator Henry requested to be marked present during the above roll call.

Roll call vote on **SS 1 for SB 161 w/SA 1** was taken and revealed:

YES: 19

NO: Senator(s) Vaughn - 1.

NOT VOTING: Senator(s) McBride - 1.

**SS 1 for SB 161 w/SA 1** was declared passed the Senate and sent to the House for Consideration.

**SB 330** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 330** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

Roll call vote on **SB 330** was taken and revealed:

YES: 21.

**SB 330** was declared passed the Senate and sent to the House for Consideration.

**HB 349** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 349** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POSSESSION OR CONCEALMENT OF PAINTBALL GUNS WITHIN THE CITY OF WILMINGTON.

Senator Amick questioned the sponsor.

Roll call vote on **HB 349** was taken and revealed:

YES: 18

NO: Senator(s) Bonini, Copeland, Simpson - 3.

**HB 349** was declared passed the Senate and returned to the House.

**SB 334** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 334** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CONSTABLES.

Senator Still questioned the sponsor.

Roll call vote on **SB 334** was taken and revealed:

YES: 21.

**SB 334** was declared passed the Senate and sent to the House for Consideration.

**SB 336** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 336** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS.

Senator Venables questioned the sponsor.

Roll call vote on **SB 336** was taken and revealed:

YES: 21.

**SB 336** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell yields to Senator Cook.

**SJR 11** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Cook

**SJR 11** - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUE FOR FISCAL YEAR 2004. Sponsor: Sen. Cook & Rep. DiPinto; Sens. Amick, Bunting, Cloutier, Henry, Vaughn; Reps. Buckworth, D. Ennis, Fallon, Houghton, Williams.

Senator Bonini questioned the sponsor.

Roll call vote on **SJR 11** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**SJR 11** was declared passed the Senate and sent to the House for Consideration.

**SJR 12** was brought before the Senate for consideration was introduced under the suspension of the necessary rules, on the motion of Senator Cook.

**SJR 12** - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2005. Sponsor: Sen. Cook & Rep. DiPinto; Sens. Amick, Bunting, Cloutier, Henry, Vaughn; Reps. Buckworth, D. Ennis, Fallon, Houghton, Williams.

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

YES: 21.

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

**SB 320** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Cook.

**SB 320** - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2005; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

Several Senators questioned the sponsor.

Roll call vote on **SB 320** was taken and revealed:

YES: 19

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

**SB 320** was declared passed the Senate and sent to the House for Consideration.

**SB 256** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 256** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING.

Senator Venables moved to Lay **SB 256** on the Table.

Senator Still introduced a guest; his wife, Kathleen.

**HB 386 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 386 w/HA 1** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF HARRINGTON", BEING CHAPTER 115, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, RELATING TO CHARTER REVISIONS FOR THE CITY OF HARRINGTON.

Several Senators questioned the floor manager.

Roll call vote on **HB 386 w/HA 1** was taken and revealed:

YES: 14

NO: Senator(s) Bunting, Henry, McBride, McDowell, Peterson, Simpson - 6.

NOT VOTING: Senator(s) DeLuca - 1.

**HB 386 w/HA 1** was declared passed the Senate and returned to the House.

**HB 347** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 347** - AN ACT TO AMEND TITLE 22, DELAWARE CODE RELATING TO MONITION SALES BY MUNICIPALITIES.

Senator McBride questioned the sponsor.

Senator Sokola moved to Lay **HB 347** on the Table.

**SB 165 w/SA 1, SA 2, SA 4, HA 1, HA 3 & HA 4** was brought before the Senate for consideration on the motion of Senator Still.

**SB 165 w/SA 1, SA 2, SA 4, HA 1, HA 3 & HA 4** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL USE OF SOUND DEVICES.

Several Senators questioned the sponsor.

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

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

Senator Still moved to Lay **SB 165 w/SA 1, SA 2, SA 4, HA 1, HA 3 & HA 4** on the Table.

**HB 401** was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

**HB 401** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE OF THE DELAWARE CODE RELATING TO PARENTS AND CHILDREN.

Senator Bonini questioned the sponsor.  
Senator McDowell requested personal privilege of the floor for Jack Schreppler, representing the Office of Child Advocate.

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

Roll call vote on **HB 401** was taken and revealed:

YES: 21.

**HB 401** was declared passed the Senate and returned to the House.

**SB 331** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 331** - AN ACT TO CREATE A TASK FORCE TO EXAMINE PHYSICAL ACTIVITY AND NUTRITION, POLICIES AND PROGRAMS IN DELAWARE AND TO DEVELOP A COMPREHENSIVE INTEGRATED PLAN TO INCREASE PHYSICAL ACTIVITY AND REDUCE OBESITY TO IMPROVE THE QUALITY OF LIFE FOR ALL DELAWAREANS.

Senators Sokola and Venables commented.

Roll call vote on **SB 331** was taken and revealed:

YES: 21.

**SB 331** was declared passed the Senate and sent to the House for Consideration.

**HB 230** was Lifted from the Table and brought before the Senate for Consideration on the motion of the floor manager, Senator Henry.

**HB 230** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.

Senators McDowell and McBride questioned the sponsor.

Senator Henry moved to Lay **HB 230** on the Table.

**HB 415** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 415** - AN ACT TO AMEND CHAPTER 67 OF TITLE 16 OF THE DELAWARE CODE PERTAINING TO AMBULANCE SERVICE.

Roll call vote on **HB 415** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**HB 415** was declared passed the Senate and returned to the House.

**HB 347** was Lifted from the Table and brought before the Senate for Consideration on the motion of the floor manager, Senator Sokola.

**HB 347** - AN ACT TO AMEND TITLE 22, DELAWARE CODE RELATING TO MONITION SALES BY MUNICIPALITIES.

Several Senators questioned the floor manager.

Roll call vote on **HB 347** was taken and revealed:

YES: 18

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

ABSENT: Senator(s) Bunting - 1.

**HB 347** was declared passed the Senate and returned to the House.

**HB 230** was Lifted from the Table and brought before the Senate for Consideration on the motion of the floor manager, Senator Henry.

**HB 230** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.

Senator Henry requested personal privilege of the floor for Secretary Nathan Hayward, III, representing DELDot.

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

Roll call vote on **HB 230** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**HB 230** was declared passed the Senate and returned to the House.

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

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/22/2004**

**June 17, 2004**

**SA 1 to HB 467** - Sponsor: Sen. Bunting; Placed with the Bill.

**SA 1 to SB 332** - Sponsor: Sen. Connor; Placed with the Bill.

**SB 346** - AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897, AS AMENDED, RELATING TO THE LEGISLATURE AND REDISTRICTING. Sponsors: Sen. Peterson & Rep. Gilligan; Sens. Bunting, Sokola, Cloutier, Copeland, Connor, Simpson, Sorenson, Still; Reprs. Cathcart, Caulk, Quillen, Keeley, Plant, B. Ennis, Hall-Long; **Executive**.

**HB 381** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY SEWER DISTRICTS. Sponsors: Rep. Quillen & Sen. Still; Reprs. Buckworth, Wagner; **Community/County Affairs**.

**HB 402** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO CERTAIN INSURANCE AND REFUNDS OF UNEARNED PREMIUMS. Sponsors: Rep. Atkins & Sen. Sokola; Reprs. Spence, Buckworth, Carey, Cathcart, Caulk, Ewing, B. Ennis, Williams; Sens. Cook, Simpson; **Insurance & Elections**.

**HB 427** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS, ROADS AND BRIDGES. Sponsors: Reprs. Oberle, Lofink, Sen. DeLuca, & Sen. Amick, & Sen. Connor; Reprs. Cathcart, D. Ennis, Miro, Reynolds, Valihura, B. Ennis, Plant, Viola; Sen. Henry; **Highways & Transportation**.

**HB 430** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO WORKERS COMPENSATION. Sponsors: Rep. Hocker & Sen. Adams & Rep. D. Ennis; Reprs. Atkins, Boulden, DiPinto, Miro, Quillen, Thornburg, Hudson, Smith, Oberle; Sens. Venables, Copeland, Sorenson, Simpson; **Small Business**.

**HB 442 w/HA 1** - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO IDENTITY THEFT. Sponsors: Rep. Schwartzkopf & Sen. Henry; **Judiciary**.

**HB 445** - AN ACT DIRECTING THE BOARD OF PENSION TRUSTEES TO REPAY THE PENSION CONTRIBUTION OF FORMER STATE POLICEMAN FRANCIS R. SPENCE. Sponsors: Rep. Oberle & Spence, Sen. Blevins; **Finance**.

**HB 449** - AN ACT TO AMEND CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY. Sponsors: Rep. Hocker & Sen. Bunting;

**Community/County Affairs**.

**HB 451** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHANY, CHAPTER 295, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, TO PROVIDE FOR QUARTERLY SUPPLEMENTAL ASSESSMENTS. Sponsors: Rep. Hocker & Sen. Bunting;

**Community/County Affairs**.

**HB 453** - AN ACT TO AMEND CHAPTER 4, TITLE 29 OF THE DELAWARE CODE RELATING TO BUILDINGS AND GROUNDS, TO PROMOTE CULTURE AND THE ARTS IN STATE BUILDINGS. Sponsors: Rep. DiPinto & Sen. McDowell, Sen. Henry, & Sen. Sorenson; Reprs. Spence, Booth, Boulden, Buckworth, D. Ennis, Ewing, Hudson, Maier, Miro, Oberle, Ulbrich, Valihura, Wagner, B. Ennis, Hall-Long, Houghton, Plant; **Finance**.

**HB 455 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CONVERSION TRANSACTIONS OF NOT-FOR-PROFIT ENTITIES. Sponsors: Rep. Stone & Maier, Rep. Valihura & Sen. Blevins, & Sen. Cook; **Health & Social Services**.

**HB 456** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF ODESSA" BEING CHAPTER 141, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, RELATING TO VACANCY PROCEDURES AND CHARTER CHANGES. Sponsor: Rep. Cathcart; **Community/County Affairs**.

**HB 468** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES OF ALCOHOLIC BEVERAGES. Sponsors: Rep. Roy & Sen. Sokola; Reprs. Boulden, Hudson, Miro, Quillen, Houghton, Plant, Viola, Williams; Sens. Blevins, McBride, Bonini, Copeland; **Small Business**.

**HB 474** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO DISHONORED CHECKS, DRAFTS OR ORDERS. Sponsors: Rep. Miro & Sen. DeLuca; Rep. Mulrooney; Reprs. Boulden, Hocker, Lavelle, Roy, Viola; Sens. McDowell, Peterson; **Banking**.

**HB 482** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE SEAFORD SCHOOL DISTRICT TO MRS. HELEN J. GROVES. Sponsors: Rep. Fallon & Sen. Adams; **Finance**.

**HJR 30** - CALLING UPON THE DELAWARE DEPARTMENT OF TRANSPORTATION TO UNDERTAKE THE PLANNING PROCESS FOR A NEW EAST-WEST LIMITED

ACCESS HIGHWAY AS AN ALTERNATIVE TO THE PRESENT ROUTE THROUGH SUSSEX COUNTY. Sponsors: Rep. Hocker & Sen. Bunting; Reps. Smith, Lee, Atkins, Ewing, Schwartzkopf; Sen. Venables; Highways & Transportation.

**June 22, 2004**

**SB 320** - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2005; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Sen. Cook & Rep. DiPinto; Sens. Bunting, Henry, Vaughn, Amick, Cloutier; Reps. Buckworth, D. Ennis, Fallon, Houghton, Williams; LOT List.

**HB 220 w/HA 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OBSCENITY. Sponsors: Rep. Keeley & George, Reps. Carey, D. Ennis, Ewing, Hall-Long, Hocker, Houghton, Mulrooney, Quillen; Sen. Henry; Judiciary.

**HB 423 w/HA 1** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY GOVERNMENT AND ADMINISTRATION. Sponsors: Rep. Hocker & Sen. Bunting; Reps. Schwartzkopf; Executive.

**HB 452** - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO LEAVE REGULATIONS FOR EXEMPT POSITIONS. Sponsors: Rep. B. Ennis & Wagner, Sen. Vaughn; Reps. Ewing, Lee, Schwartzkopf, Van Sant; Finance.

**HB 491** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO QUORUM PROVISIONS FOR COUNTY GOVERNMENTS. Sponsors: Rep. Lavelle & Valihura & Sen. Bunting, & Sen. Copeland; Executive.

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The Secretary announced the agenda for June 23, 2004.

On motion of Senator McDowell, the Senate recessed at 06:11 PM until June 23, 2004 at 02:00 PM.

The Senate reconvened at 03:29 PM on June 23, 2004, with Lt. Governor Carney presiding.

Senator Simpson requested personal privilege of the floor for Mary Tucker and the participates of Girls State 2004.

**SCR 42** was brought before the Senate for consideration on the motion of Senator Simpson.

**SCR 42** - HONORING THE YOUNG WOMEN FROM ACROSS THE STATE OF DELAWARE PARTICIPATING IN THE 2004 SESSION OF DELAWARE'S GIRLS' STATE.

Roll call vote on **SCR 42** was taken and revealed:

YES: 21

**SCR 42** was declared Adopted by the Senate and sent to the House for Consideration.

The following committee reports were announced:

From Agriculture: **HB 467** - 1 Favorable, 3 Merits; **HB 470** - 1 Favorable, 3 Merits.

From Banking: **HB 463** - 1 Favorable, 4 Merits.

From Community/County Affairs: **SB 343** - 4 Merits; **HB 371** - 4 Merits; **HB 449** - 4 Merits;

**HB 451** - 4 Merits; **HB 456** - 5 Merits.

From Education: **HB 383** - 4 Merits.

From Executive: **HB 457** - 6 Favorable.

From Health & Social Services: **HB 455 w/HA 1** - 4 Merits.

From Judiciary: **SB 348** - 4 Merits; **HB 71** - 4 Merits; **HB 78 W/HA 1** - 4 Merits; **HB 369 w/HA 1** - 4 Merits; **HB 375 w/HA 3** - 4 Merits; **HB 382** - 4 Merits; **HB 412** - 4 Merits; **HB 413** 4 Merits; **HB 414 w/HA 1** - 4 Merits; **HB 417** - 4 Merits; **HB 420 w/HA 1** - 4 Merits; **HB 442 w/HA 1** - 4 Merits; **HS1 for HB 77** - 4 Merits.

From Public Safety: **HB 448 w/HA 1** - 4 Merits; **HB 464** - 4 Merits; **HB 481** - 4 Merits.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 342**; **HB 480**; **HB 400 w/HA 1 SA 3 HA 2**; **HCR 78**; **SB 218 w/SA1**; **SS 1 to SB 275 w/SA 1**; **SB 295**; **SB 309 w/SA1**; **HB 315**; **HB 388w/HA 1 aab HA 1, HA 2 & HA 3**; **HB 394 w/HA 1**; **HB 439**; **HS 1 to HB 229 w/HA 1**; **HB 245 w/SA 3**; **HB 490 w/HA 1**; **SB 240 w/HA 1 & HA 2**; **SS 1 to SB 174**; **HB 452**; **HB 220 w/HA 2**; **HB 423 w/HA 1**; **SB 312**; **HB 482**; **HB 491**; **HB 427**; **HB 402**; **HB 381**; **HB 453**; **HB 451**; **HB 456**; **HCR 83**; **SB 260**; **SB 281**; **HCR 87**; **HCR 85**.

A withdrawal of sponsorship request was read requesting Senator Bonini name be removed as co-sponsor of **SB 329**.

A communication from the Chief Clerk of the House advising the Senate that Rep. Thornburg signed **SB 278** as an additional sponsor while the bill was in the House.

At 03:50 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Fortieth Legislative Day.

**40th LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 23, 2004**

The Senate convened at 03:50 PM with Lt Governor Carney presiding.

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

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

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

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

The following committee reports were announced.

From Finance: **SB 338** - 5 Merits; **SB 299** - 1 Favorable, 3 Merits.

**SB 165 w/SA 1, SA 2, SA 4, HA 1, HA 3 & HA 4** was Lifted from the Table and brought before the Senate for Consideration on the motion of Senator Still.

**SB 165** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL USE OF SOUND DEVICES.

**SA 5 to SB 165** was brought before the Senate for Consideration on the motion of Senator Still.

Roll call vote on **SA 5 to SB 165** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**SA 5 to SB 165** was declared part of the bill.

Senator(s) Amick, Connor and Sorenson marked present during the above roll call.

**SB 165 w/SA 1, SA 2, SA 4, HA 1, HA 3, HA 4 & SA** was now before the Senate.

Roll call vote on **SB 165 w/SA 1, SA 2, SA 4, HA 1, HA 3, HA 4 & SA 5** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**SB 165 w/SA 1, SA 2, SA 4, HA 1, HA 3, HA 4 & SA 5** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 341** was brought before the Senate for consideration on the motion of Senator Peterson.

**SB 341** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TRANSIENT NURSERY RETAILERS.

**SA 1 to SB 341** was brought before the Senate for consideration on the motion of Senator Peterson.

Senators Simpson and Venables questioned the sponsor.

Senator Peterson requested personal privilege of the floor for Tom Cook, Department of Finance.

The witness was excused after addressing the Senate.

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

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

Senator Peterson moved to Lay **SB 341** and **SA 1** on the Table.

**SA 1 to SB 271** was introduced, placed with the bill and moved to the bottom of the agenda on motion of Senator Marshall.

**HB 457** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 457** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE WOODBRIDGE SCHOOL DISTRICT.

Senator Sokola questioned the sponsor.

Roll call vote on **HB 457** was taken and revealed:

YES: 21.

**HB 457** was declared passed the Senate and returned to the House.

Senator Bunting marked present during the above roll call.

**HJR 29** was brought before the Senate for consideration on the motion of the floor manager, Senator McBride.

**HJR 29** - AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) TO EXPEDITE THE PERMITTING PROCESS FOR A SUBAQUEOUS LANDS PERMIT AND OTHER RELATED PERMITS NEEDED BY THE DIVISION OF PARKS AND RECREATION TO HAVE THE ASSAWOMAN CANAL DREDGED.

Senator McBride requested a letter be read into the record in its entirety. A copy is in today's legislative file.

Several Senators commented.

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

YES: 20

NO: Senator(s) McBride - 1.

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

**HB 359 w/HA 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 359 w/HA 2** - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 5 OF TITLE 4, DELAWARE CODE, REGARDING TAXES AND LICENSE FEES.

Several Senators questioned the floor manager.

Senator DeLuca presiding at 04:53 PM.

Senator Venables requested personal privilege of the floor for David Swayze, Esq., representing Delaware Wholesaler's Association.

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

Several Senators commented.

Senator Connor requested personal privilege of the floor for John Cordrey, Office of Alcohol Beverage Control Commission.

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

Roll call vote on **HB 359 w/HA 2** was taken and revealed:

YES: 18

NO: Senator(s) Amick, Peterson, Sorenson - 3.

**HB 359 w/HA 2** was declared passed the Senate and returned to the House.

**HB 433 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 433** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO CONSUMER PROTECTION AND ASSISTIVE TECHNOLOGY DEVICES.

Senator Venables yields to Senator McDowell to work the bill.

Lt. Governor Carney presiding at 05:57 PM.

Roll call vote on **HB 433 w/HA 1** was taken and revealed:

YES: 21.

**HB 433 w/HA 1** was declared passed the Senate and returned to the House.

Senator Connor requested to be added as co-sponsor to the bill.

**HB 397** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 397** - AN ACT TO AMEND SUBCHAPTER II-A OF CHAPTER 50 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE TECHNICAL INNOVATION PROGRAM.

Roll call vote on **HB 397** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**HB 397** was declared passed the Senate and returned to the House.

**SB 182** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 182** - AN ACT TO AMEND TITLES 29, 31, AND 6 OF THE DELAWARE CODE RENAMING THE OFFICE OF HUMAN RELATIONS, AND RELATING TO THE STATE HUMAN RELATIONS COMMISSION, EQUAL ACCOMMODATIONS, AND FAIR HOUSING.

**SA 1 to SB 182** was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on **SA 1 to SB 182** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SA 1 to SB 182** was declared part of the bill.

**SA 2 to SB 182** was brought before the Senate for consideration on the motion of Senator McBride.

Senator McDowell questioned the sponsor.

Senator McBride requested personal privilege of the floor for Kyle Hodges, representing State Council for Persons with Disabilities.

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

Roll call vote on **SA 2 to SB 182** was taken and revealed:

YES: 21.

**SA 2 to SB 182** was declared part of the bill.

**SB 182 w/SA 1 & SA 2** was now before the Senate.

Roll call vote on **SB 182 w/SA 1 & SA 2** was taken and revealed:

YES: 21.

**SB 182 w/SA 1 & SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 351** was introduced under the suspension of the necessary rules and brought before the Senate for Consideration on motion of Senator McBride.

**SB 351** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO STEWARDSHIP OF COASTAL AND OCEAN RESOURCES.

Senator McBride requested to Lay **SB 351** on the Table. No objection.

**HB 455 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 455 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CONVERSION TRANSACTIONS OF NOT-FOR-PROFIT ENTITIES.

Roll call vote on **HB 455 w/HA 1** was taken and revealed:

YES: 21.

**HB 455 w/HA 1** was declared passed the Senate and returned to the House.

**SB 333** was brought before the Senate for consideration on the motion of Senator Cook

**SB 333** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LANDS PRESERVATION.

Senator Cook requested personal privilege of the floor for Michael H. McGrath, representing the Department of Agriculture.

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

Roll call vote on **SB 333** was taken and revealed:

YES: 20

NO: Senator(s) Venables - 1.

**SB 333** was declared passed the Senate and sent to the House for Consideration.

**SB 341** was Lifted from Table and brought before the Senate for Consideration on the motion of Senator Peterson.

**SB 341** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TRANSIENT NURSERY RETAILERS.

**SA 1 to SB 341** was Lifted from the Table and brought before the Senate for Consideration on the motion of Senator Peterson.

Senator Peterson requested that **SA 1 to SB 341** be Stricken. No objection.

**SA 2 to SB 341** was brought before the Senate for Consideration on the motion of Senator Peterson.

Roll call vote on **SA 2 to SB 341** was taken and revealed:

YES: 19

NO: Senator(s) Bonini - 1.

NOT VOTING: Senator(s) Vaughn - 1.

**SA 2 to SB 341** was declared part of the bill.

**SB 341 w/SA 2** was now before the Senate.

Roll call vote on **SB 341 w/SA 2** was taken and revealed:

YES: 15

NO: Senator(s) Amick, Bonini, Copeland, Still, Vaughn - 5.

ABSENT: Senator(s) Bunting - 1.

**SB 341 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

Senator McDowell announced Senator McBride's birthday and extended best wishes.

Senator McBride requested that **SB 329** be Stricken. No objections.

Senator Sokola recognized staff member, Charity Hallman on her last day of service.

Senator McDowell announced the birthday of the Controller General, Russell Larson and extended best wishes.

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

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/23/2004**

**June 22, 2002**

**SB 340** - AN ACT TO AMEND SECTION 3-304 OF THE CITY OF WILMINGTON HOME RULE CHARTER. Sponsors: Sen. Marshall & Rep. DiPinto; Sens. Henry, McDowell; & Rep. Keeley; **Community/County Affairs**.

**SA 1 to SB 182** - Sponsor: Sen. McBride; Placed with the Bill.

**SA 2 to SB 182** - Sponsor: Sen. McBride; Placed with the Bill.

**SA 2 to SB 332** - Sponsor: Sen. Vaughn; Placed with the Bill.

**SA 1 to HB 249** - Sponsor: Sen. McDowell; Placed with the Bill.

**June 23, 2004**

**SB 349** - AN ACT TO AMEND DELAWARE LAWS, VOLUME 73, CHAPTER 210, TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF BLADES" THE CHARTER OF THE TOWN OF BLADES. Sponsors: Sen. Venables & Rep. Fallon; **Community/County Affairs**.

**SB 351** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO STEWARDSHIP OF COASTAL AND OCEAN RESOURCES. Sponsors: Sens. McBride & Simpson; Rep. Booth; Sens. Blevins, Bonini, Cloutier, Connor, Henry, Marshall, McDowell, Peterson, Sokola, Sorenson, Vaughn, Bunting, Venables; Reps. Atkins, Buckworth, Carey, Cathcart, Caulk, B. Ennis, Ewing, Fallon, George, Gilligan, Hall-Long, Houghton, Hudson, Keeley, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Plant, Reynolds, Roy, Smith, Spence, Valihura, Van Sant, Viola, Wagner, Williams, DiPinto, Hocker, Oberle, Quillen, Schwartzkopf, Ulbrich; **Natural Resources & Environmental Control**.

**SB 352** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE DELAWARE LANDLORD TENANT CODE. Sponsors: Sens. Sorenson & Amick; Rep. Ulbrich, & Rep. Boulden; **Community/County Affairs**.

**SB 353** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF CORRECTIONS. Sponsors: Sen. Blevins & Rep. Van Sant; Sen. Henry; Rep. Williams; **Adult & Juvenile Corrections**.

**SB 354** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX. Sponsor: Sen. Still; **Finance**.

**HB 245 w/HA 3** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE APPRAISERS. Sponsors: Rep. Ulbrich & Sen. McBride; Reps. Hudson, Schwartzkopf, Valihura, Viola; Sens. Bonini, Copeland, Peterson, Sokola; **Executive**.

**HB 315** - AN ACT PROPOSING TO AMEND THE DELAWARE CONSTITUTION OF 1897 AS AMENDED RELATING TO REVENUE AND TAXATION. Sponsors: Rep. DiPinto; **Executive**.

**HB 342** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE ADVISORY COUNCIL ON CAREER EDUCATION. Sponsors: Rep. Ulbrich & Sen. McBride; Reps. Hudson, Schwartzkopf, Valihura, Viola; Sens. Copeland, Peterson, Sokola; **Education**.

**HB 388 w/HA 1, HA 1 to HA 1, HA 2 & HA 3** - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT. Sponsors: Rep. Ulbrich; Reps. Hudson, Schwartzkopf, Valihura, Viola; Sens. Copeland, Peterson, Sokola; **Health & Social Services**.

**HB 394 w/HA 1** - AN ACT TO REINCORPORATE THE TOWN OF FREDERICA. Sponsors: Rep. Caulk & Sen. Bonini; **Community/County Affairs**.

**HB 439** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LOW-SPEED ELECTRIC BICYCLES. Sponsors: Rep. Smith & Sen. Cloutier; **Public Safety**.

**HB 480** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO AMBULANCE ATTENDANTS. Sponsors: Rep. B. Ennis & Sen. Vaughn; Sens. Simpson & Sen. Blevins; Rep. Lee; **Judiciary**.

**HB 490 w/HA 1** - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF PLUMBING EXAMINERS AND BASIC PLUMBING PRINCIPLES. Sponsors: Rep. Ulbrich & Sen. McBride; Reps. Hudson, Schwartzkopf, Valihura, Viola; Sens. Bonini, Copeland, Peterson, Sokola; **Sunset**.

**HS 1 FOR HB 292 w/HA 1** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY AND ATHLETIC TRAINING. Sponsors: Rep. Booth & Sen. DeLuca; **Banking**.

**HCR 72** - URGING OUR CONGRESSIONAL DELEGATION TO REQUEST THAT THE ARMY CORPS OF ENGINEERS STUDY THE FUTURE OF THE CHESAPEAKE AND DELAWARE CANAL IN DELAWARE AND DETERMINE THE FEASIBILITY OF UPGRADING AND MANAGING THE CHESAPEAKE AND DELAWARE CANAL TO ACCOMMODATE ADDITIONAL PUBLIC RECREATION AND HERITAGE TOURISM OPPORTUNITIES. Sponsors: Rep. Valihura, Smith, & Sen. Sokola; Reps. Cathcart, Reynolds, Hall-Long; Sens. Vaughn, Sorenson, Amick; **Agriculture**.

**HCR 78** - URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO REPEAL 20 U.S.C. 1091(r) KNOWN AS THE "DRUG PROVISION" OF THE HIGHER EDUCATION ACT. Sponsors: Reps. Plant & George & Sen. Henry; Reps. Buckworth, DiPinto, Keeley, Lee, Reynolds; Sens. Blevins, McDowell; **Education**.

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

Peggy J. Baunchalk  
30 West Essex Street Extended  
Fenwick Island, DE 19944

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

Angela J. Dunmore  
RD 4 Box 171  
Millsboro, DE 19966

To be appointed a member of  
the Professional Standards  
Board to serve a term to expire June 30, 2006.

Carla Zlock Lawson  
441 Great Geneva Drive  
Dover, DE 19901

To be reappointed a member  
of the Professional Standards  
Board to serve a term to expire 3 years from  
Senate confirmation.

Harold E. Roberts, Jr.  
720 Green Winged Trail  
Wyoming, DE 19934

To be reappointed Chair of  
the Professional Standards  
Board to serve a term to expire 3 years from Senate  
confirmation.

John S. Burton, Sr.  
22892 Waterfront Lane  
Lewes, DE 19958

To be appointed a member of  
the State Coastal Zone  
Industrial Control Board to serve a term to expire 5  
years from Senate confirmation.

Robert D. Welsh  
63 Baltusrol Road  
Dover, DE 19904

To be appointed a member of  
the State Coastal Zone  
Industrial Control Board to serve a term to expire 5  
years from Senate confirmation.

The Honorable David B. Mitchell  
121 Quail Run Drive  
Centreville, MD 21617

To be appointed Chair of the  
Enhanced 911 Emergency  
Reporting System Service Board to serve at the  
pleasure of the Governor.

\* \* \*

The Secretary announced the agenda for June 24, 2004.

On motion of Senator McDowell, the Senate recessed at 06:58 PM until June 23, 2004 at 02:00PM.

The Senate reconvened at 03:23 PM on June 23, 2004, with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate it had passed **HB 522; HB 475 w/HA 1; HB 477 w/HA 1; SB 314 w/SA 1; SB 186; SB 235 SB 202 w/SA 1; SB 326; SB 166 w/ SA 1 HA 1 aab HA 1 & HA 2; HB 462; HB 376; SB 277; SB 267; SB 232 w/SA 1; SB 211; SB 237.**

The following committee reports were announced.

From: Community/County Affairs: **HB 381** - 3 Merits; **SB 349** - 3 Merits.

**LEGISLATIVE ADVISORY #22**, from the Office of Counsel to the Governor was announced for the record, partially read and copies were made available to the members upon request.

**LEGISLATIVE ADVISORY #22** dated June 23, 2004, Governor Minner signed the following legislation on the date indicated.

**HJR #26** (6/8/04) – ESTABLISHING A JOINT STATE-FEDERAL-LOCAL GOVERNMENT ACTION GROUP TO ADDRESS AND MONITOR AIR TRAFFIC AND QUALITY OF LIFE ISSUES WITH REGARD TO THE PHILADELPHIA INTERNATIONAL AIRPORT. (Sponsors: Rep. Smith & Rep. Valihura & Sen. McDowell; Reprs. DiPinto, Hudson, Lavelle; Sens. Cloutier, Copeland)

**HB #198 aab HA 1** (6/8/04) – AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO APPROVAL BY THE STATE BOARD OF EDUCATION OF CERTIFICATES OF INCORPORATION OR ANY AMENDMENT THEREOF PRIOR TO FILING. (Sponsors: Rep. Hall-Long & Sen. Sokola; Reprs. B. Ennis, George, Keeley, Mulrooney, Plant) (Volume 74, Chapter 249, Laws of Delaware.)

**HB #275** (6/8/04) – AN ACT TO AMEND TITLE 4, TITLE 11, TITLE 18 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL AND TOBACCO ENFORCEMENT. (Sponsors: Rep. Ewing & Sen. Vaughn) (Volume 74, Chapter 250, Laws of Delaware.)

**SB #263** (6/8/04) – AN ACT TO AMEND THE CHARTER OF THE TOWN OF FENWICK ISLAND, DELAWARE, CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, TO AMEND SECTION 4, GOVERNMENT, BY ADDING THE DESIGNATION OF “MAYOR” TO THE POSITION OF “PRESIDENT OF COUNCIL”. (Sponsors: Sen. Bunting & Rep. Hocker) (Volume 74, Chapter 251, Laws of Delaware.)

**HB 1 to HB #339** (6/15/04) – AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC BEVERAGE LICENSES. (Sponsors: Rep. Hudson & Rep. Roy & Sen. DeLuca; Reprs. Spence, DiPinto, Buckworth, D. Ennis, Ewing, Miro, Houghton, Williams; Sens. Adams, Blevins, Bunting, Vaughn) (Volume 74, Chapter 252, Laws of Delaware.)

**HB #398** (6/15/04) – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS. (Sponsors: Rep. Schwartzkopf; Rep. Hocker; Sen. Bunting) (Volume 74, Chapter 253, Laws of Delaware.)

**HB #79** (6/18/04) – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO DIVORCE AND ANNULMENT. (Sponsors: Rep. Wagner & Rep. Buckworth & Sen. Henry & Sen. Bonini & Rep. Hudson & Rep. Keeley; Reprs. Boulden, Cathcart, DiPinto, D. Ennis, Ewing, Reynolds, Quillen, Van Sant, B. Ennis, Houghton, Mulrooney, Williams; Sen. Vaughn) (Volume 74, Chapter 254, Laws of Delaware.)

**HB #391** (6/18/04) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PERMANENT STUDENT RECORDS IN PRIVATE BUSINESS AND TRADE SCHOOLS. (Sponsors: Rep. Reynolds & Sen. Sokola; Rep. Ulbrich; Sen. Connor) (Volume 74, Chapter 255, Laws of Delaware.)

**HB #403** (6/18/04) – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION. (Sponsors: Rep. Smith & Sen. Cook; Reprs. Hudson, Gilligan; Sens. Adams, DeLuca) (Volume 74, Chapter 256, Laws of Delaware.)

**SB #212** (6/18/04) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ELECTRICAL EXAMINERS. (Sponsors: Sen. DeLuca & Rep. Oberle; Sens. Adams, Blevins, Bonini, Bunting, Connor, Henry, Marshall, McBride, McDowell, Peterson, Sokola, Still, Vaughn, Venables; Reprs. Lofink, Mulrooney, Viola) (Volume 74, Chapter 257, Laws of Delaware.)

**SB #221** (6/18/04) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE INTERNATIONAL TRANSFER OF PRISONERS. (Sponsors: Sen. Sorenson & Sen. Vaughn & Rep. Lee) (Volume 74, Chapter 258, Laws of Delaware.)

**SB #248 aab SA 1** (6/18/04) – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES. (Sponsors: Sen. Peterson & Rep. Maier;

Sens. Adams, Cook, Connor, McDowell, Venables, Bunting; Reps. Ewing, Hall-Long, Lavelle, Oberle, Reynolds, Valihura, Viola) (Volume 74, Chapter 259, Laws of Delaware.)

**SB #261 aab SA 1** (6/18/04) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING. (Sponsors: Sen. Blevins & Rep. Maier; Sens. Bonini, Cloutier, Henry, Sokola, Connor; Reps. Buckworth, DiPinto, B. Ennis, Ewing, George, Keeley, Schwartzkopf, Van Sant, Viola) (Volume 74, Chapter 260, Laws of Delaware.)

**SB #264 (6/18/04)** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL SERVICES SYSTEMS. (Sponsors: Sen. Blevins & Rep. Maier; Sens. Connor, Henry, McDowell, Peterson, Sorenson; Rep. Hall-Long) (Volume 74, Chapter 261, Laws of Delaware.)

**SB #229 aab SA 1 & HA 1** (6/22/04) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. (Sponsors: Sen. Peterson; Sens. Amick, Blevins, Cloutier, Connor, Copeland, Henry, McDowell, Simpson, Sokola, Sorenson, Venables; Reps. DiPinto, Spence, D. Ennis, Ewing, Fallon, George, Hall-Long, Houghton, Hudson, Keeley, Lavelle, Maier, Mulrooney, Plant, Roy, Smith, Stone, Ulbrich, Valihura, Viola, Wagner) (Volume 74, Chapter 262, Laws of Delaware.)

\* \* \*

At 03:28 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Forty-first Legislative Day.

**41st LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 24, 2004**

The Senate convened at 03:28 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.

Senator McDowell extended get well wishes to Sgt. of Arms, John Williams who was in hospital and extended condolences to Sunset committee assistant, Debbie Puzzo on the loss of her father.

Senator Henry introduced guests; her mother, aunt and sister.

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered, under the suspension of the necessary rules.

**Peggy Baunchalk:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Norman Brown, Gretchen Pikus, Valerie Hoffmann, Angela Dunmore, Carla Lawson, Harold Roberts:** 21 Senator(s) voting YES. Appointments were declared CONFIRMED.

**John Burton, Robert Welsh:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**David Mitchell:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

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

**Curtis Larrimore:** 20 Senator(s) voting YES, 1 Henry ABSENT. Appointment was declared CONFIRMED.

**Ronald McCabe:** 19 Senator(s) voting YES, 2 Cloutier, Henry ABSENT. Appointment was declared CONFIRMED.

**Margaret Ioriii:** 19 Senator(s) voting YES, 2 Henry, Marshall ABSENT. Appointment was declared CONFIRMED.

**Douglas Catts:** 20 Senator(s) voting YES, 1 Henry ABSENT. Appointment was declared CONFIRMED.

**Gordon Wood:** 20 Senator(s) voting YES, 2 Cloutier, Henry ABSENT. Appointment was declared CONFIRMED.

**Joshua Twilley:** 19 Senator(s) voting YES; 2 Henry, Simpson ABSENT. Appointment was declared CONFIRMED.

**Howard Mulvaney, William Hopkins, Marie Page, Robert Lopez:** 20 Senator(s) voting YES, 1 Henry ABSENT. Appointments were declared CONFIRMED.

**Vera Lynn Gregory:** 20 Senator(s) voting YES, 1 Henry ABSENT. Appointment was declared CONFIRMED.

**Dennis Schrader, Barbara Green:** 19 Senator(s) voting YES, 2 Bonini, Peterson ABSENT. Appointments were declared CONFIRMED.

**Marion Pfeifer:** 19 Senator(s) voting YES, 2 Bonini, Peterson ABSENT. Appointment was declared CONFIRMED.

**Joan Thompson Mobley, Robert Gore, Bryan Townsend:** 18 Senator(s) voting YES, 3 Bonini, Cloutier, Peterson ABSENT. Appointments were declared CONFIRMED.

Senator McDowell moved to recess for Party Caucus at 04:16 PM.

The Senate reconvened at 06:05 PM with Lt. Governor Carney presiding.

**SB 338** was brought before the Senate for consideration on the motion of Senator Cook.

**SB 338** - AN ACT TO AMEND TITLES 3 AND 29 OF THE DELAWARE CODE RELATING TO THOROUGHbred RACING.

**SA 1 to SB 338** was brought before the Senate for consideration on the motion of Senator Cook.

Roll call vote on **SA 1 to SB 338** was taken and revealed:

YES: 16

ABSENT: Senator(s) Amick, Blevins, Cloutier, Copeland, McBride - 5.

**SA 1 to SB 338** was declared part of the bill.

**SB 338 w/SA 1** was now before the Senate.

Representatives Ulbrich & Valihura were added as co-sponsors.

Roll call vote on **SB 338 w/SA 1** was taken and revealed:

YES: 21.

**SB 338 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 240 w/HA 1 & HA 2** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 240 w/HA 1 & HA 2** - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES LOCATED IN SUSSEX COUNTY TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT AND RESTATING THAT THE ACT APPLIES TO TOWNS AND CITIES THROUGHOUT THE STATE WITH POPULATIONS IN EXCESS OF 50,000 PEOPLE.

**SA 1 to SB 240 w/HA 1 & HA 2** was brought before the Senate for Consideration on the motion of Senator Venables.

Senator Bonini commented on the amendment.

Roll call vote on **SA 1 to SB 240** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cloutier - 1.

**SA 1 to SB 240** was declared part of the bill.

**SB 240 w/HA 1, HA 2 & SA 1** was now before the Senate.

Roll call vote on **SB 240 w/HA 1, HA 2 SA 1** was taken and revealed:

YES: 16

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

NOT VOTING: Senator(s) Blevins, Simpson, Sorenson - 3.

**SB 240 w/HA 1, HA 2 & SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 332** was brought before the Senate for consideration on the motion of Senator Connor.

**SB 332** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE LOTTERY.

Senator Connor moved to Lay **SB 332** on the Table.

Senator McDowell yields to Senator McBride.

**SS 1 for SB 344** was introduced and Adopted in Lieu of the Original on motion of Senator McBride.

**SS 1 for SB 344** was brought before the Senate for Consideration, under the suspension of the necessary rules on the motion of Senator McBride.

**SS 1 for SB 344** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ABOVE GROUND STORAGE TANKS.

Roll call vote on **SS 1 for SB 344** was taken and revealed:

YES: 21.

**SS 1 for SB 344** was declared passed the Senate and sent to the House for Consideration.  
**SB 291** was brought before the Senate for consideration on the motion of Senator Marshall.  
**SB 291** - AN ACT TO AMEND CHAPTER 69 OF TITLE 29 RELATING TO FAVORABLE TREATMENT FOR UNITED STATES-BASED CONTRACTORS AND SUBCONTRACTORS IN STATE PROCUREMENT.

**SA 1 to SB 291** was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to SB 291** was taken and revealed:  
YES: 21.

**SA 1 to SB 291** was declared part of the bill.

**SB 291 w/SA 1** was now before the Senate.

Senator Bonini questioned the sponsor.

Senator Marshall requested personal privilege of the floor for Gloria Homer, representing Administrative Services.

Several Senators questioned the witness.

Senator McDowell raised a point of order.

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

Senator Marshall requested personal privilege of the floor for Joe Shell, representing the Governor's office.

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

Several Senators questioned the sponsor.

Senator Amick requested personal privilege of the floor for Gloria Homer, representing Administrative Services.

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

Roll call vote on **SB 291 w/SA 1** was taken and revealed:

YES: 14

NO: Senator(s) Venables, - 1.

NOT VOTING: Senator(s) Cloutier, Copeland, Simpson, Sorenson, Still - 5.

ABSENT: Senator(s) Henry - 1.

**SB 291 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SENATE CONSENT CALENDAR #15** was introduced. The calendar included the following Resolutions:

**SR 24** - CALLING UPON THOSE WITH THE KNOWLEDGE, ABILITY, AND REQUISITE AUTHORITY TO REGULATE TEMPERATURES IN THE SENATE CHAMBER OF LEGISLATIVE HALL TO DO THEIR UTMOST TO BRING ABOUT AN IMMEDIATE AND LASTING WARMING TREND THEREIN. Sponsors: Senators. Henry, Cloutier, Connor, Cook, Sorenson.

**HCR 82** - Maier RECOGNIZING SUNDAY, JUNE 20, 2004 AS FATHER'S DAY IN DELAWARE AND COMMENDING ALL FATHERS FOR THEIR SUPPORT IN THEIR CHILDREN'S LIVES. Sponsors Rep. Maier & Rep. Wagner & Sen. Blevins & Sen. Sorenson; Reps: Fallon, Hudson, Stone, Thornburg, Ulbrich, George, Hall-Long, Keeley, Plant.

**HCR 83** - HONORING THE YOUNG MEN FROM ACROSS THE STATE OF DELAWARE PARTICIPATING IN THE 2004 SESSION OF DELAWARE'S BOYS' STATE. Sponsors: Rep. Reynolds & Rep. Fallon & Rep. Gilligan, On behalf of all Representatives & Sen. Adams & Sen. Sorenson, On behalf of all Senators.

**HCR 85** - HONORING THE 25TH ANNIVERSARY OF THE DELAWARE TRIAL LAWYERS ASSOCIATION. Sponsors: Rep. Wagner & Sen. Vaughn.

On motion of Senator Bonini **HCR 87** was removed from the **Senate Consent Calendar**.

Roll call vote on the **SENATE CONSENT CALENDAR #15** was taken and revealed 20 Senators voting YES, 1 Senator(s) HENRY ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted. The House Concurrent Resolutions were returned to the House.

**HCR 87** was brought before the brought before the Senate for consideration on motion of the floor manager, Senator McBride.

**HCR 87** - URGING CONGRESS TO AMEND THE MARITIME TRANSPORTATION SECURITY ACT OF 2002 SO THAT IT IS APPLICABLE ONLY TO WORKERS WHO HAVE BEEN CONVICTED OF FELONIES THAT CAN BE DEMONSTRATED TO CONSTITUTE CLEAR THREATS TO THE FACILITIES AT WHICH THEY WORK OR SEEK EMPLOYMENT. Sponsors: Rep. Spence & Rep. Smith & Sen. Henry.

Senator McBride moved to Lay **HCR 87** on the Table. No objection.

The President Pro Tempore's list of Pre-Filed Legislation was partially read and copies were made available

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/24/2004**

**June 23, 2004**

**SA 1 to HB 427** - Sponsor: Sen. Connor; Amick; Placed with the Bill.

**SA 1 to HCR 52** - Sponsor: Sen. Henry; McDowell; Placed with the Bill.

**SA 1 to SB 345** - Sponsor: Sen. DeLuca; Placed with the Bill.

**SA 1 to SB 351** - Sponsor: Sen. McBride; Placed with the Bill.

**June 24, 2004**

**SB 355** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE MOTOR FUEL TAX AND AIRCRAFT. Sponsor : Sen. McBride; **Finance.**

**SB 356** - AN ACT TO AMEND TITLE 29, DELAWARE CODE TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS. Sponsors: Sen. Cook & Rep. DiPinto, Rep. Oberle; Sens. Bunting, Henry, Vaughn, Amick, Cloutier, Adams, McDowell, DeLuca, Still, Sorenson, Blevins, Marshall, McBride, Peterson, Sokola, Venables, Bonini, Connor, Copeland, Simpson, Reps. Buckworth, D. Ennis, Fallon, Houghton, Williams, Spence, Smith, Lee, Gilligan, Van Sant, Atkins, Booth, Boulden, Carey, Cathcart, Caulk, Ewing, Hocker, Hudson, Lavelle, Reps. Lofink, Maier, Miro, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, B. Ennis, George, Hall-Long, Keeley, Mulrooney, Plant, Schwartzkopf, Viola; **Finance.**

**SB 357** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" RELATING TO IMPACT FEES. Sponsors: Sen. Bunting & Rep. Atkins; **Community/County Affairs.**

**HB 376** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ARREST AND COMMITMENT. Sponsors: Reps. Wagner & Stone, Sen. Henry; Reps. Lee, Buckworth, Carey, D. Ennis, Ewing, Thornburg, Plant; **Judiciary.**

**HB 462** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE STATE POLICE. Sponsor : Reps. Maier & Oberle, Rep. Spence, & Sen. Peterson; **Finance.**

**HB 475 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD. Sponsors: Rep. Miro & Sen. Sokola; Reps. DiPinto, B. Ennis, Maier, Valihura; **Public Safety.**

**HB 477 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TRAFFIC SIGNS, SIGNALS, AND MARKINGS. Sponsors: Rep. Valihura & Sen. Henry; Rep. D. Ennis, & Rep. Hudson; Reps. Buckworth, George, Hall-Long, Keeley, Maier, Plant, Quillen; Sens. Cloutier, Sokola; **Highways & Transportation.**

**HB 499 w/HA 1** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO TAX DITCHES. Sponsors: Rep. Carey; Bunting & Reps. Atkins, Booth, Caulk, Hocker, B. Ennis; **Agriculture.**

**HB 508 w/HA 1** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH CARE MEDICAL NEGLIGENCE. Sponsors: Rep. D. Ennis & Sen. Blevins, Rep. Valihura, & Rep. Stone; Reps. Spence, Smith, Lee, Atkins, Booth, Carey, Fallon, Hocker, Hudson, Lavelle, Maier, Reynolds, Thornburg, Wagner, Van Sant, Viola; Sens. DeLuca, Henry, Sokola, Amick, Copeland; **Insurance & Elections.**

**HB 514** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DAM SAFETY. Sponsors: Rep. Lofink & Sen. DeLuca; **Agriculture.**

**HB 522** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE POLICE. Sponsors: Rep. Spence; Reps. Smith, Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner; **Finance.**

**HB 530 w/HA 1** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATED TO THE DELAWARE RESPONSIBLE ALCOHOLIC BEVERAGE SERVER TRAINING PROGRAM. Sponsors: Rep. Miro, Stone, Sen. DeLuca; Reps. Spence, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Hocker, Lavelle, Maier, Ulbrich, Gilligan,

Houghton; Sens. Henry, Sokola, Venables, Still, Sorenson, Amick, Cloutier, Connor, Copeland, Simpson; **Small Business**.

**HB 539** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE, CERTIFICATION AND EVALUATION. Sponsors: Rep. Wagner & Sen. Sokola; Reprs. Reynolds, Ulbrich; Sen. Cook; **Education**.

**HS 1 for HB 486** - AN ACT TO AMEND CHAPTER 18, TITLE 2 OF THE DELAWARE CODE RELATING TO PUBLIC CARRIERS. Sponsors: Rep. Boulden & Valihura; **Highways & Transportation**.

\* \* \*

Senator McBride requested **SB 351** be Stricken. No objections.

On motion of Senator McDowell, the Senate recessed at 07:28 PM until June 29, 2004 at 01:00 PM.

The Senate reconvened at 01:43 PM on June 29, 2004, with Lt. Governor Carney presiding.

The following committee reports were announced:

From Community County Affairs: **SB 357** - 3 Merits, 1 Unfavorable.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **SB 311; SB 330; SS 2 for SB 86; SB 327; SB 315 w/SA 1; HB 519 w/HA 1; HB 520; SB 325 w/SA 2 & HA 1; SB 280 w/HA 1; HB 499 w/HA 1; HB 539; HS 1 to HB 486; HB 514; HB 508 w/HA 1; HB 530 w/HA 1; SB 271 w/HA 1; SS 1 to SB 72 w/HA 1; HB 483 w/HA 1; HB 518 w/HA 1; HB 489; HB 506; HB 459 w/HA 1; HB 503; HJR 33; SB 302 w/SA 2; HB 500 w/HA 1; SB 154**.

At 01:49 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Forty-second Legislative Day.

**42nd LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 29, 2004**

The Senate convened at 01:49 PM with Lt Governor Carney presiding.

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

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

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

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

**SB 166 w/SA 2, HA 1 aab HA 1 & HA 2**, which was returned from the House with amendments, was brought before the Senate for Reconsideration on motion of Senator Vaughn.

**SB 166 w/SA 2, HA 1 aab HA 1 & HA 2** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PERSONAL INJURY PROTECTION DEDUCTIBLES.

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

The witness was excused after addressing the Senate.

Roll call vote on **SB 166 w/SA 2, HA 1 aab HA 1 & HA 2** was taken and revealed:

YES: 21

**SB 166 w/SA 2, HA 1 aab HA 1 & HA 2** was declared passed the Senate and sent to the Governor.

Senator Amick marked present during the above roll call.

**SB 271 w/HA 1**, which was returned from the House with an amendment, was brought before the Senate for Reconsideration on motion of Senator Henry.

**SB 271 w/HA 1** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC ATTENDANCE OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH.

Roll call vote on **SB 271 w/HA 1** was taken and revealed:

YES: 21

**SB 271 w/HA 1** was declared passed the Senate and sent to the Governor.

**SB 280 w/HA 1**, which was returned from the House with an amendment, was brought before the Senate for Reconsideration on motion of Senator Bunting.

**SB 280 w/HA 1** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED,

ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO", TO AMEND SUBSECTION (XX) OF SECTION 28, ENUMERATION OF POWERS, BY ADDING AUTHORIZATION FOR IMPOSING "IMPACT FEES" FOR FIRE AND PARAMEDIC SERVICES.

Roll call vote on **SB 280 w/HA 1** was taken and revealed:

YES: 21

**SB 280 w/HA 1** was declared passed the Senate and sent to the Governor.

**SB 325 w/SA 2 & HA 1**, which was returned from the House with an amendment, was brought before the Senate for Reconsideration on motion of Senator Adams.

**SB 325 w/SA 2 & HA 1** - AN ACT TO AMEND AN ACT BEING CHAPTER 326, VOLUME 71, LAWS OF DELAWARE, AS AMENDED, ENTITLE "AN ACT TO REINCORPORATE THE TOWN OF MILTON", THE CHARTER OF THE RELATING TO ITS NAME AND IMPACT FEES.

Roll call vote on **SB 325 w/SA 2 & HA 1** was taken and revealed:

YES: 21

**SB 325 w/SA 2 & HA 1** was declared passed the Senate and sent to the Governor.

**SS 1 FOR SB 72 w/HA 1**, which was returned from the House with amendments, was brought before the Senate for Reconsideration on motion of Senator Cook.

**SS 1 FOR SB 72 w/HA 1** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

Roll call vote on **SS 1 FOR SB 72 w/HA 1** was taken and revealed:

YES: 21

**SS 1 FOR SB 72 w/HA 1** was declared passed the Senate and was sent to the Governor.

**HB 400 w/HA 1, SA 3 & HA 2** was brought before the Senate for Reconsideration on motion of the floor manager, Senator Blevins.

**HB 400 w/HA 1, SA 3 & HA 2** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.

Roll call vote on **HB 400 w/HA 1, SA 3 & HA 2** was taken and revealed:

YES: 21

**HB 400 w/HA 1, SA 3 & HA 2** was declared passed the Senate and returned to the House.

**SB 40 w/SA 3 & HA 1**, which was returned from the House with an amendment, was brought before the Senate for Reconsideration on motion of Senator Henry.

**SB 40 w/SA 3 & HA 1** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO GUARDIANSHIPS.

Roll call vote on **SB 40 w/SA 3 & HA 1** was taken and revealed:

YES: 21

**SB 40 w/SA 3 & HA 1** was declared passed the Senate and sent to the Governor.

**HB 78 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**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.

Roll call vote on **HB 78 w/HA 1** was taken and revealed:

YES: 21

**HB 78 w/HA 1** was declared passed the Senate and returned to the House.

**HB 414 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 414 w/HA 1** - AN ACT TO AMEND TITLES 10, 11, 16, AND 21 OF THE DELAWARE CODE RELATING TO CLASSIFICATION OF OR SENTENCING FOR CERTAIN OFFENSES.

**SA 1 to HB 414** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to HB 414** was taken and revealed:

YES: 21

**SA 1 to HB 414** was declared part of the bill.

**HB 414 w/HA 1 & SA 1** was now before the Senate.

Senator Vaughn requested personal privilege of the floor for Steve Wood, representing the Attorney General's Office.

Mr. Wood addressed the Senate, after which he was excused.

Roll call vote on **HB 414 w/HA 1 & SA 1** was taken and revealed:

YES: 21

**HB 414 w/HA 1 & SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**HS 1 for HB 77** was introduced and brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Vaughn.

**HS 1 for HB 77** - AN ACT TO PROPOSE AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897 TO INCLUDE THE FAMILY COURT AND COURT OF COMMON PLEAS AS COURTS ESTABLISHED BY THE CONSTITUTION OF THE STATE OF DELAWARE AND ARTICLES III AND IV OF THE DELAWARE CONSTITUTION OF THE STATE OF DELAWARE TO DELETE REFERENCES TO THE ORPHANS' COURT. Sponsor: Rep. Wagner & Sen. Bunting; Reprs. Buckworth, Carey, Cathcart, Ewing, Fallon, Hocker, Maier, Reynolds, Valihura, B. Ennis, Hall-Long, Keeley, Plant.

Roll call vote on **HS 1 for HB 77** was taken and revealed:

YES: 21

**HS 1 for HB 77** was declared passed the Senate and was returned to the House.

**HB 467** was brought before the Senate for consideration on the motion of the floor manager, Senator Bunting.

**HB 467** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO FARM TRUCKS AND OTHER FARM VEHICLES.

**SA 1 to HB 467** was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to HB 467** was taken and revealed:

YES: 21

**SA 1 to HB 467** was declared part of the bill.

**HB 467 w/SA 1** was now before the Senate.

Roll call vote on **HB 467 w/SA 1** was taken and revealed:

YES: 21

**HB 467 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**HB 434** was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

**HB 434** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENERGY ADVISORY COUNCIL, ENERGY PLANNING AND CABINET COMMITTEE ON ENERGY.

Roll call vote on **HB 434** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1

**HB 434** was declared passed the Senate and returned to the House.

**HB 464** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 464** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD.

Senator Henry moved to Lay **HB 464** on the Table. No objections.

**HB 435** was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

**HB 435** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT.

Senators Simpson and Bonini questioned the sponsor.

Roll call vote on **HB 435** was taken and revealed:

YES: 20

NO: Senator(s) Simpson - 1

**HB 435** was declared passed the Senate and returned to the House.

**HB 481** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 481** - AN ACT TO AMEND CHAPTER 48 OF TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD SAFETY RESTRAINTS.

Several Senators questioned the floor manager.

Roll call vote on **HB 481** was taken and revealed:

YES: 15

NO: Senator(s) Bonini, Copeland, Simpson, Sorenson, Still, Venables - 6

**HB 481** was declared passed the Senate and returned to the House.

**HB 448 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 448 w/HA 1** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE SAFETY.

**SA 1 to HB 448** was brought before the Senate for consideration on the motion of Senator Henry.

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

Senators Still and Connor questioned the witness, after which the witness was excused.

Senator Henry requested personal privilege of the floor for Steve Wood, representing the Attorney General's office.

Senators Connor and Copeland questioned the witness, after which the witness was excused.

Roll call vote on **SA 1 to HB 448** was taken and revealed:

YES: 21

**SA 1 to HB 448** was declared part of the bill.

**HB 448 w/HA 1 & SA 1** was now before the Senate.

Roll call vote on **HB 448 w/HA 1 & SA 1** was taken and revealed:

YES: 21

**HB 448 w/HA 1 & SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**HB 38 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 38 w/HA 1** - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO SCHOOL ELECTIONS.

Senator Still commented.

Roll call vote on **HB 38 w/HA 1** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, Still - 2

**HB 38 w/HA 1** was declared passed the Senate and returned to the House.

**HB 449** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 449** - AN ACT TO AMEND CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

Roll call vote on **HB 449** was taken and revealed:

YES: 21

**HB 449** was declared passed the Senate and returned to the House.

**HB 451** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 451** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHANY, CHAPTER 295, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, TO PROVIDE FOR QUARTERLY SUPPLEMENTAL ASSESSMENTS.

Roll call vote on **HB 451** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1

**HB 451** was declared passed the Senate and returned to the House.

Senator Marshall requested personal privilege of the floor to introduce Eric & Jodi Tate and their service dog, Huggy Bear.

**HB 382** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 382** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

Senator Still commented.

Roll call vote on **HB 382** was taken and revealed:

YES: 21

**HB 382** was declared passed the Senate and returned to the House.

**HB 413** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 413** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO D.N.A. ANALYSIS AND THE D.N.A. DATA BANK.

Senator Venables questioned the floor manager.

Roll call vote on **HB 413** was taken and revealed:

YES: 19

NO: Senator(s) Henry, Venables - 2

**HB 413** was declared passed the Senate and returned to the House.

**HB 369 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 369 w/HA 1** - AN ACT TO AMEND TITLES 11 AND 16 OF THE DELAWARE CODE RELATING TO TONGUE SPLITTING.

Senator Still commented.

Roll call vote on **HB 369 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1

**HB 369 w/HA 1** was declared passed the Senate and returned to the House.

**HB 463** was brought before the Senate for consideration on the motion of the floor manager, Senator DeLuca.

**HB 463** - AN ACT TO AMEND CHAPTER 38, TITLE 12 OF THE DELAWARE CODE RELATING TO STATUTORY TRUSTS.

Roll call vote on **HB 463** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1

**HB 463** was declared passed the Senate and returned to the House.

**HB 482** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Cook.

**HB 482** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE SEAFORD SCHOOL DISTRICT TO MRS. HELEN J. GROVES.

Roll call vote on **HB 482** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1

**HB 482** was declared passed the Senate and returned to the House.

**HB 427** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator DeLuca.

**HB 427** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS, ROADS AND BRIDGES.

**SA 1 to HB 427** was brought before the Senate for consideration on the motion of Senator Connor.

Senator Connor requested that **SA 1 to HB 427** be Stricken. No objection.

Several Senators questioned the floor manager.

Roll call vote on **HB 427** was taken and revealed:

YES: 21

**HB 427** was declared passed the Senate and returned to the House.

**HCR 52** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Adams.

**HCR 52** - RE-ESTABLISHING THE JUVENILE JUSTICE REVIEW TASK FORCE.

**SA 1 to HCR 52** was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 1 to HCR 52** was taken and revealed:

YES: 21.

**SA 1 to HCR 52** was declared part of the amendment.

**HCR 52 w/SA 1** was now before the Senate.

Roll call vote on **HCR 52 w/SA 1** was taken and revealed:

YES: 21.

**HCR 52 w/SA 1** was declared Adopted as amended by the Senate and returned to the House for Reconsideration.

**HS 1 for HB 292 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator DeLuca.

**HS 1 for HB 292 w/HA 1** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY AND ATHLETIC TRAINING.

**SA 1 to HS 1 for HB 292** was brought before the Senate for consideration on the motion of Senator DeLuca.

Senator Bonini questioned the sponsor.

Senator DeLuca requested personal privilege of the floor for Joan M. Couch, representing Delaware Athletic Trainers Association.

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

Roll call vote on **SA 1 to HS 1 for HB 292** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

SA 1 to HS 1 for HB 292 was declared part of the bill.

HS 1 for HB 292 w/HA 1 & SA 1 was now before the Senate.

Senator McDowell requested to be added as a co-sponsor.

Roll call vote on HS 1 for HB 292 w/HA 1 & SA 1 was taken and revealed:

YES: 21.

HS 1 for HB 292 w/HA 1 & SA 1 was declared passed the Senate and returned to the House for Reconsideration.

SJR 10 was brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator McDowell.

SJR 10 - CELEBRATING THE LIFE AND HONORING THE MEMORY OF THE HONORABLE JOHN E. BABIARZ, SR., FORMER MAYOR OF WILMINGTON, WHO DEPARTED THIS LIFE ON SATURDAY, THE FIFTH DAY OF JUNE, 2004, ONE DAY BEFORE HIS 89TH BIRTHDAY. Sponsor: Sen. McDowell & Sen. Marshall & Henry, On behalf of all Senators; Reps. Williams & Keeley & Plant & DiPinto, On behalf of all Representatives.

Roll call vote on SJR 10 was taken and revealed:

YES: 21.

SJR 10 was declared passed the Senate and sent to the House for Consideration.

HB 462 was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Peterson.

HB 462 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE STATE POLICE.

Senator Still questioned the floor manager.

Senator Peterson requested personal privilege of the floor for David Craig, representing the Pension Office.

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

Roll call vote on HB 462 was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

HB 462 was declared passed the Senate and returned to the House.

Senator McDowell moved to recess for Party Caucus at 04:26 PM.

The Senate reconvened at 05:57 PM with Senator DeLuca presiding.

The President Pro Tempore's list of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
SECOND SESSION  
READ TO THE SENATE RECORD  
6/29/2004**

**June 24, 2004**

HB 459 w/HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE POWERS, DUTIES, AND FUNCTIONS OF THE SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Reps. Spence & Ulbrich, Rep. Maier, & Sen. McBride; 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, Miro, Mulrooney, Oberle, Plant, Quillen, Reynolds, Roy, Schwartzkopf, Smith, Stone, Thornburg, Valihura, Van Sant, Viola, Wagner, Williams; Sens. Connor, Peterson; Health & Social Services.

HB 483 w/HA 1 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE AUTHORIZING THE DEPARTMENT OF CORRECTION TO IMPLEMENT A PILOT PRISONER WORK PROGRAM IN SUSSEX COUNTY. Sponsors: Rep. Atkins & Sen. Vaughn; Reps. Spence, Smith, Lee, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Hocker, Hudson, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Thornburg, Valihura, Wagner, Gilligan, Van Sant, B. Ennis, Houghton, Schwartzkopf; Sens. Adams, Bunting, Venables, Simpson; Adult & Juvenile Corrections.

HB 489 - AN ACT TO AMEND CHAPTER 85, TITLE 11 OF THE DELAWARE CODE RELATING TO ADULT ABUSE REGISTRY CHECKS. Sponsors: Reps. Maier & Oberle, Sen. Blevins; Reps. Buckworth, Carey, Cathcart, DiPinto, D. Ennis, Ewing, Hudson, Miro, Stone,

Valihura, Gilligan, B. Ennis, George, Hall-Long, Keeley, Mulrooney, Plant; Sens. Adams, Henry, Marshall, Peterson, Sokola, Sorenson, Cloutier, Connor, Simpson; **Judiciary**.

**HB 503** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITY FACILITY RELOCATIONS THAT ARE NON-REVENUE PRODUCING. Sponsors: Rep. Smith & Sen. DeLuca; **Banking**.

**HB 506** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION. Sponsors: Reps. Lofink & Oberle, Sen. Marshall; **Judiciary**.

**HB 518 w/HA 1** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT AND REEMPLOYMENT RIGHTS AND CERTAIN OTHER RIGHTS FOR MEMBERS OF THE UNIFORMED MILITARY SERVICES. Sponsors: Reps. Stone & Cathcart, Sens. Bunting, & Still; Reps. Atkins, Buckworth, Caulk, DiPinto, Ewing, George, Hall-Long, Keeley, Lofink, Maier, Miro, Plant, Reynolds, Valihura, Wagner, Williams; Sens. Henry, Sokola; **Small Business**.

**HJR 33** - CONCERNING A TIME FRAME FOR THE PROMULGATION OF REGULATIONS RELATED TO HOME HEALTH AGENCIES. Sponsors: Rep. Oberle & Sen. Blevins; **Health & Social Services**.

**SA 1 to HB 392** - Sponsor: Sen. Peterson; Bonini; Placed with the Bill.

**SA 1 to HB 414** - Sponsor: Sen. Vaughn; Placed with the Bill.

**SA 1 to HB 448** - Sponsor: Sen. Henry; Placed with the Bill.

**SA 1 to HB 464** - Sponsor: Sen. Sokola; Placed with the Bill.

**SA 1 to SB 294** - Sponsor: Sen. Vaughn; Placed with the Bill.

Honorable Henry duPont Ridgely  
215 East Camden-Wyoming Ave.  
Camden, DE 19934

To be appointed Justice of the Supreme Court of the State of Delaware to serve a term to expire 12 years from the date of swearing in.

Peter P. McLaughlin  
485 McCauley Pond Road  
Harrington, DE 19952

To be reappointed a member of the Environmental Appeals Board to serve a term to expire 3 years from Senate confirmation.

John D. Hazelton  
1010 Berkeley Road  
Wilmington, DE

To be reappointed a member of the Cash Management Policy Board to serve a term to expire 3 years from Senate confirmation.

Sr. Ann Michele Zwosta  
1401 West 10<sup>th</sup> St.  
Wilmington, DE 19806

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

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**HB 500 w/HA 1** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY. Sponsors: Rep. Cathcart & Sen. Blevins, Rep. Oberle, & Sen. Sokola; **Health & Social Services**.

**HB 519 w/HA 1** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, RELATING TO IMPACT FEES. Sponsors: Rep. Atkins & Rep. Bunting; **Community/County Affairs**.

**HB 520** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE LAND PROTECTION ACT. Sponsors: Reps. Spence & Oberle; **Agriculture**.

**HB 503** was reassigned to the **Energy** committee on the motion of Senator McDowell.

Lt. Governor Carney presiding at 06:01 PM.

**HCR 87** was Lifted from the Table and brought before the Senate for Consideration on the motion of the floor manager, Senator Henry.

**HCR 87** - URGING CONGRESS TO AMEND THE MARITIME TRANSPORTATION SECURITY ACT OF 2002 SO THAT IT IS APPLICABLE ONLY TO WORKERS WHO HAVE BEEN CONVICTED OF FELONIES THAT CAN BE DEMONSTRATED TO CONSTITUTE CLEAR THREATS TO THE FACILITIES AT WHICH THEY WORK OR SEEK EMPLOYMENT.

Senator Peterson requested to be added as a co-sponsor.

Roll call vote on **HCR 87** was taken and revealed:

YES: 17

NO: Senator(s) Amick, Bonini, Simpson, Still - 4.

**HCR 87** was declared Adopted by the Senate and returned to the House.

Senator Still requested personal privilege of the floor to introduce his wife, Cathleen and a guest.

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered, under the suspension of the necessary rules.

**Peter McLaughlin**: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Ann Michele Zwosta**: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**John Hazelton**: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator McDowell yields to Senator Connor.

Senator Connor moved that **SB 332** remain Laid on the Table.

**SB 340** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Marshall.

**SB 340** - AN ACT TO AMEND SECTION 3-304 OF THE CITY OF WILMINGTON HOME RULE CHARTER.

**SA 1 to SB 340** was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to SB 340** was taken and revealed:

YES: 21.

**SA 1 to SB 340** was declared part of the bill.

**SB 340 w/SA 1** was now before the Senate.

Senator McBride questioned the sponsor.

Roll call vote on **SB 340 w/SA 1** was taken and revealed:

YES: 19

NO: Senator(s) McBride - 1.

ABSENT: Senator(s) Peterson - 1.

**SB 340 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 294** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 294** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AUTHORIZATION FOR LOCAL AND OUT-OF-STATE POLICE OFFICERS.

Senator Vaughn moved to Lay **SB 294** on the Table.

**SB 299** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 299** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX.

Roll call vote on **SB 299** was taken and revealed:

YES: 21.

**SB 299** was declared passed the Senate and sent to the House for Consideration.

**SB 348** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 348** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY.

Senator Still questioned the sponsor.

Roll call vote on **SB 348** was taken and revealed:

YES: 21.

**SB 348** was declared passed the Senate and sent to the House for Consideration.

**SB 343** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 343** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY.

Roll call vote on **SB 343** was taken and revealed:

YES: 21.

**SB 343** was declared passed the Senate and sent to the House for Consideration.

**SB 262** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 262** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF HARASSMENT.

Senators Bonini and Amick questioned the sponsor.

Roll call vote on **SB 262** was taken and revealed:

YES: 21.

**SB 262** was declared passed the Senate and sent to the House for Consideration.

Senator Vaughn requested that **SB 294** be Lifted from the Table and brought before the Senate for Consideration.

**SB 294** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AUTHORIZATION FOR LOCAL AND OUT-OF-STATE POLICE OFFICERS.

Senator Vaughn requested that **SA 1 to SB 294** be Stricken. No objection.

Senator Vaughn requested that **SA 2 to SB 294** be Stricken. No objection.

**SA 3 to SB 294** was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested personal privilege of the floor for Steve Wood, representing the Attorney General's office.

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

Roll call vote on **SA 3 to SB 294** was taken and revealed:

YES: 21.

**SA 3 to SB 294** was declared part of the bill.

**SB 294 w/SA 3** was now before the Senate.

Roll call vote on **SB 294 w/SA 3** was taken and revealed:

YES: 21.

**SB 294 w/SA 3** was declared passed the Senate as amended and sent to the House for Consideration.

**HJR 33** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Blevins.

**HJR 33** - CONCERNING A TIME FRAME FOR THE PROMULGATION OF REGULATIONS RELATED TO HOME HEALTH AGENCIES.

Roll call vote on **HJR 33** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**HJR 33** was declared passed the Senate and was returned to the House.

**SB 349** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 349** - AN ACT TO AMEND DELAWARE LAWS, VOLUME 73, CHAPTER 210, TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF BLADES" THE CHARTER OF THE TOWN OF BLADES. Sponsor: Sen. Venables & Rep. Fallon

Roll call vote on **SB 349** was taken and revealed:

YES: 21.

**SB 349** was declared passed the Senate and sent to the House for Consideration.

**SB 269** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 269** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DONATED LEAVE PROGRAM.

**SA 1 to SB 269** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 1 to SB 269** was taken and revealed:

YES: 21.

**SA 1 to SB 269** was declared part of the bill.

**SB 269 w/SA 1** was now before the Senate.

Roll call vote on **SB 269 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

**SB 269 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator DeLuca presiding at 07:01 PM.

**SENATE CONSENT CALENDAR #16** was introduced and considered for Adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 43** - Bunting URGING MULTI-CHANNEL VIDEO PROGRAM DISTRIBUTORS (MVPD'S) TO PROVIDE A LOWER COST OFFERING OF A "LIMITED" OR "LIFELINE" BASIC SERVICE TIER TO CUSTOMERS.

**HCR 72** - Valihura URGING OUR CONGRESSIONAL DELEGATION TO REQUEST THAT THE ARMY CORPS OF ENGINEERS STUDY THE FUTURE OF THE

CHESAPEAKE AND DELAWARE CANAL IN DELAWARE AND DETERMINE THE FEASIBILITY OF UPGRADING AND MANAGING THE CHESAPEAKE AND DELAWARE CANAL TO ACCOMMODATE ADDITIONAL PUBLIC RECREATION AND HERITAGE TOURISM OPPORTUNITIES.

**HCR 78** – URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO REPEAL 20 U.S.C. 1091(r) KNOWN AS THE “DRUG PROVISION” OF THE HIGHER EDUCATION ACT.

**HCR 89** REQUESTING THE OFFICE OF THE CONTROLLER GENERAL TO CONDUCT A STUDY REGARDING THE COSTS AND FEASIBILITY OF LOCATING A STATE POLICE BARRACK SITE ON DELAWARE ROUTE 54.

Senators Connor and Amick requested to be added as co-sponsors to **HCR 72**.

On motion of Senator Bonini **HCR 78** be removed.

On motion of Senator Cook **HCR 89** be removed.

Roll call vote on the **SENATE CONSENT CALENDAR #16** was taken and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared Adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolution was sent to the House for Consideration.

**HCR 78** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Sokola.

**HCR 78** - URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO REPEAL 20 U.S.C. 1091(r) KNOWN AS THE "DRUG PROVISION" OF THE HIGHER EDUCATION ACT.

Roll call vote on **HCR 78** was taken and revealed:

YES: 17

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

NOT VOTING: Senator(s) Copeland, Still – 2

**HCR 78** was declared Adopted by the Senate and returned to the House.

Senator Connor requested personal privilege of the floor to ask for prayers for Paul Marselli, who had just received a heart transplant.

On motion of Senator McDowell, the Senate recessed at 07:11 PM until June 30, 2004 at 05:30 PM.

The Senate reconvened at 06:27 PM on June 30, 2004, with Lt. Governor Carney presiding.

The following committee report was announced.

From Finance: **SB 356** - 6 Favorable.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 313; HB 542; HB 418 w/HA 1; HCR 90; SCR 42; SCR 43; HB 465; SB 173 w/ HA 1 & 3; SB 310 w/HA 1; HB 504 w/ HA 1; HB 538; HB 544; HB 541; SB 239 w/SA 1, HA 1 & 2; HB 492; HB 525; HCR 89; SB 333; SB 306; SB 328; HB 471; HJR 35; HB 364; HB 507; SB 336; SB 307 w/SA 1; SS 1 to SB 305 w/SA; SS 2 to SB 296; SB 283 w/SA 1; SB 341 w/SA 2; SB 293.**

The Senate adjourned at 06:31 PM to immediately convene the Forty-third Legislative Day.

**43rd LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
SECOND SESSION  
JUNE 30, 2004**

The Senate convened at 06:31 PM. with Lt. Governor Carney presiding.

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

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

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

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

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered, under the suspension of the necessary rules.

**Henry duPont Ridgely:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator McBride marked present during the above roll call.

Senator Bonini commented.

Senator McDowell requested personal privilege of the floor for Justice Henry duPont Ridgely.

After addressing the Senate the witness was excused.

Senator McDowell acknowledged the presence of Chief Justice Myron Steele.

Senator McDowell yields to Senator Sokola.

**HJR 35** was brought before the Senate for consideration under the suspension of the necessary rules, on motion of the floor manager, Senator Sokola.

**HJR 35** - HONORING PAUL G. CARLSON FOR HIS WORK ON BEHALF OF THE PUBLIC SCHOOL STUDENTS AND SCHOOL ADMINISTRATORS OF THE STATE OF DELAWARE. Sponsor: Rep. Reynolds & Sen. Sokola.

Roll call vote on **HJR 35** was taken and revealed:

YES: 21.

**HJR 35** was declared passed the Senate and returned to the House.

Senator McDowell yields to Senator Connor.

**SB 122** was brought before the Senate for consideration, under suspension of the necessary rules for consideration on the motion of Senator Connor.

**SB 122** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION, COVERING AND LOADING OF VEHICLES TO PREVENT ESCAPE OF CONTENTS.

**SA 1 to SB 122** was brought before the Senate for consideration on the motion of Senator Connor.

Roll call vote on **SA 1 to SB 122** was taken and revealed:

YES: 21.

**SA 1 to SB 122** was declared part of the bill.

**SB 122 w/SA 1** was now before the Senate.

Senator Venables questioned the sponsor.

Senator Connor requested personal privilege of the floor for Rich Dillard, Senate Attorney. Several Senators questioned the witness, after which the witness was excused.

Senator Connor moved to Lay **SB 122 w/SA 1** on the Table.

**SB 316** was brought before the Senate for consideration, under the suspension of the necessary rules on the motion of Senator Simpson.

**SB 316** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO LOBSTERS.

Roll call vote on **SB 316** was taken and revealed:

YES: 21.

**SB 316** was declared passed the Senate and sent to the House for Consideration.

**HB 220 w/HA 2** was brought before the Senate for consideration, under the suspension of the necessary rules, on the motion of the floor manager, Senator Vaughn.

**HB 220 w/HA 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OBSCENITY.

Senator Copeland questioned the floor manager.

Senator Vaughn requested personal privilege of the floor for Timothy Willard, Senate Attorney.

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

Senator Vaughn moved to Lay **HB 220 w/HA 2** on the Table.

**HB 265** was brought before the Senate for consideration, under the suspension of the necessary rules, on the motion of the floor manager, Senator McBride.

**HB 265** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING, TRAPPING AND FISHING LICENSES.

Senator Blevins questioned the floor manager.

Senator McBride moved to Lay **HB 265** on the Table.

**HB 381** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 381** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY SEWER DISTRICTS.

Roll call vote on **HB 381** was taken and revealed:

YES: 18

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

**HB 381** was declared passed the Senate and returned to the House.

**HB 541** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Cook.

**HB 541** - AN ACT AWARDING HEALTH CARE BENEFITS FOR SAMANTHA FULLER. Sponsor: Rep. Ewing; Reprs. Buckworth, Cathcart, Lee, Caulk, DiPinto, Hudson, Lavelle, Thornburg, Van Sant, B. Ennis, Schwartzkopf; Sens. Adams & Vaughn.

Senator McBride commented.

Roll call vote on **HB 541** was taken and revealed:

YES: 21.

**HB 541** was declared passed the Senate and returned to the House.

**HB 544** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator McDowell.

**HB 544** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO A BUSINESS DEVELOPMENT CORRIDOR AND ECONOMIC SUPPORT PROGRAM.

Sponsor: Rep. D. Ennis; Sen. McDowell; Reprs. Smith, DiPinto, Keeley, Lavelle, Valihura; Sens. Cloutier, Copeland, Henry & Still.

Several Senators questioned the floor manager.

Senator McDowell moved to Lay **HB 544** on the Table.

**SB 356** was brought before the Senate for consideration on the motion of Senator Cook.

**SB 356** - AN ACT TO AMEND TITLE 29, DELAWARE CODE TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS.

Senator Cook requested privilege of the floor for David Craik, representing the Pensions Office.

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

Senator Peterson requested her name be removed as a co-sponsor. She also announced a conflict of interest and that she would cast her vote as not voting.

Roll call vote on **SB 356** was taken and revealed:

YES: 20

NOT VOTING: Senator(s) Peterson - 1.

**SB 356** was declared passed the Senate and sent to the House for Consideration.

**HB 164** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Adams.

**HB 164** - AN ACT TO AMEND CHAPTER 81 OF TITLE 10 OF THE DELAWARE CODE PERTAINING TO PERSONAL ACTIONS.

Senator Sokola questioned the floor manager.

Senator Adams requested personal privilege of the floor for Jennifer Palmer, representing National Rifle Association.

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

Senator Adams requested personal privilege of the floor for John Sigler, representing National Rifle Association.

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

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

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

Senator Adams moved to Lay **HB 164** on the Table

**HB 265** was Lifted from the Table and brought before the Senate for Consideration on the motion of the floor manager, Sen McBride.

Roll call vote on **HB 265** was taken and revealed:

YES: 21.

**HB 265** was declared passed the Senate and returned to the House.

**HB 544** was Lifted from the Table and brought before the Senate for Consideration on the motion of the floor manager, Senator McDowell.

**HB 544** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO A BUSINESS DEVELOPMENT CORRIDOR AND ECONOMIC SUPPORT PROGRAM

Roll call vote on **HB 544** was taken and revealed:

YES: 21.

**HB 544** was declared passed the Senate and returned to the House.

**HB 514** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Bunting.

**HB 514** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DAM SAFETY.

Senator Bunting requested personal privilege of the floor for Secretary John Hughes, representing DNREC.

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

Roll call vote on **HB 514** was taken and revealed:

YES: 21.

**HB 514** was declared passed the Senate and returned to the House.

**HB 538** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the motion of the floor manager, Senator Cook.

**HB 538** - AN ACT TO AMEND TITLES 14 AND 18 OF THE DELAWARE CODE RELATING TO EDUCATION BENEFITS FOR CHILDREN OF DECEASED VETERANS AND OTHERS AND LINE-OF-DUTY DEATH BENEFITS. Sponsor: Rep. Stone; Sen. DeLuca.

Roll call vote on **HB 538** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

**HB 538** was declared passed the Senate and returned to the House.

**HB 465** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the motion of the floor manager, Senator McDowell.

**HB 465** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE ESTABLISHING THE AMERICAN AND ITALIAN CULTURAL EXCHANGE COMMISSION. Sponsor: Rep. DiPinto; Sens. McDowell & DeLuca; Reprs. D. Ennis, Lofink, Ulbrich, Van Sant, George, Viola; Sens. Sorenson & Simpson.

**SA 1 to HB 465** was brought before the Senate for consideration on the motion of Senator McDowell.

Roll call vote on **SA 1 to HB 465** was taken and revealed:

YES: 21.

**SA 1 to HB 465** was declared part of the bill.

**HB 465 w/SA 1** was now before the Senate.

Senator Bonini requested to be added as a co-sponsor.

Roll call vote on **HB 465 w/SA 1** was taken and revealed:

YES: 21.

**HB 465 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**SB 359** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Sorenson.

**SB 359** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO STILLBIRTHS. Sponsor: Sen. Sorenson; Reprs. Ulbrich & Maier.

Roll call vote on **SB 359** was taken and revealed:

YES: 21.

**SB 359** was declared passed the Senate and sent to the House for Consideration.

**SB 360** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Sorenson.

**SB 360** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRESCRIPTION DRUGS. Sponsor: Sen. Sorenson; Rep. Maier; Sen. McDowell; Reprs. Buckworth, Ewing, Gilligan & Williams.

Several Senators questioned the sponsor.

Roll call vote on **SB 360** was taken and revealed:

YES: 13

NO: Senator(s) Bonini, McBride, Simpson, Venables - 4.

NOT VOTING: Senator(s) Amick, Bunting, Copeland, DeLuca - 4.

**SB 360** was declared passed the Senate and sent to the House for Consideration.

**HB 164** was Lifted from the Table and brought before the Senate for Consideration, on the motion of the floor manager, Senator Adams.

**SA 1 to HB 164** was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to HB 164** was taken and revealed:

YES: 21.

**SA 1 to HB 164** was declared part of the bill.

**HB 164 w/SA 1** was now before the Senate.

Roll call vote on **HB 164 w/SA 1** was taken and revealed:

YES: 17

NO: Senator(s) Henry, Peterson, Sokola - 3.

NOT VOTING: Senator(s) Sorenson - 1.

**HB 164 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration. Senator DeLuca presiding at 06:39 PM.

Senator Connor requested that **SB 122 w/SA 1** be Lifted from the Table and brought before the Senate for Consideration.

**SA 2 to SB 122** was brought before the Senate for consideration on the motion of Senator Connor.

Senator Connor requested personal privilege of the floor for Rich Dillard, Senate Attorney.

After addressing the Senate the witness was excused.

Roll call vote on **SA 2 to SB 122** was taken and revealed:

YES: 21.

**SA 2 to SB 122** was declared part of the bill.

**SB 122 w/SA 1 & SA 2** was now before the Senate.

Senator McBride questioned the sponsor.

Senator Connor requested personal privilege of the floor for Major David Baylor, representing the Delaware State Police.

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

Senator McBride commented.

Roll call vote on **SB 122 w/SA 1 & SA 2** was taken and revealed:

YES: 12

NO: Senator(s) Adams, Bonini, Cook, Marshall, McBride, Venables - 6.

NOT VOTING: Senator(s) Vaughn - 1.

ABSENT: Senator(s) Copeland, Simpson - 2.

**SB 122 w/SA 1 & SA 2** was declared Defeated (**SB 122 w/SA 1 & SA 2** required 2/3 vote).

Senator Bonini requested personal privilege of the floor to introduce his wife, Melissa.

Senator McDowell extended congratulations and best wishes to Senator Sorenson upon her wedding anniversary.

**HB 220 w/HA 2** was Lifted from the Table and brought before the Senate for Consideration, on the motion of the floor manager, Senator Vaughn.

Roll call vote on **HB 220 w/HA 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**HB 220 w/HA 2** was declared passed the Senate and returned to the House.

**HB 432 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Blevins.

**HB 432 w/HA 1** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT.

Roll call vote on **HB 432 w/HA 1** was taken and revealed:

YES: 21.

**HB 432 w/HA 1** was declared passed the Senate and returned to the House.

**SB 173 w/HA 1 & HA 3**, which was returned from the House with amendments, was brought before the Senate for reconsideration on the motion of Senator Cloutier.

**SB 173 w/HA 1 & HA 3** - AN ACT TO AMEND TITLE 19 AND TITLE 29 OF THE DELAWARE CODE RELATING TO WHISTLEBLOWERS' PROTECTION.

Roll call vote on **SB 173 w/HA 1 & HA 3** was taken and revealed:

YES: 21.

**SB 173 w/HA 1 & HA 3** was declared passed the Senate and sent to the Governor.

**SB 310 w/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 310 w/HA 1** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO HOUSING AND THE DELAWARE STATE HOUSING AUTHORITY.

Roll call vote on **SB 310 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Peterson - 1.

**SB 310 w/HA 1** was declared passed the Senate and sent to the Governor.

**SB 239 w/SA 1, HA 1 & HA 2**, which was returned from the House with amendments, was brought before the Senate for reconsideration on the motion of Senator Bunting.

**SB 239 w/SA 1, HA 1 & HA 2** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE NANTICOKE INDIAN ASSOCIATION.

Senator Still questioned the sponsor.

Roll call vote on **SB 239 w/SA 1, HA 1 & HA 2** was taken and revealed:

YES: 21.

**SB 239 w/SA 1, HA 1 & HA 2** was declared passed the Senate and sent to the Governor.

At 09:13 PM on motion from Senator McDowell, the Senate took a standing recess.

The Senate reconvened at 09:33 PM with Senator DeLuca presiding.

Senator Still requested personal privilege of the floor for and introduce a guest.

On motion of the floor manager, Senator Vaughn **HB 442 w HA 1** was placed at the bottom of the agenda.

**HB 364** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Cook.

**HB 364** - AN ACT TO AMEND CHAPTER 67A, TITLE 18 OF THE DELAWARE CODE RELATING TO FUNERAL EXPENSES OF VOLUNTEERS. Sponsor: B. Ennis; Sens. Vaughn, Simpson; Reps. Lee, Atkins, Booth, Buckworth, Carey, Caulk, D. Ennis, Ewing, Hall-Long, Houghton, Keeley, Maier, Mulrooney, Oberle, Quillen, Schwartzkopf, Spence, Thornburg, Ulbrich, Viola, Wagner; Sens. Blevins, Connor, Marshall, Still.

Roll call vote on **HB 364** was taken and revealed:

YES: 21.

**HB 364** was declared passed the Senate and returned to the House.

Lt. Governor Carney presiding at 09:37 PM.

**HB 126 w/HA 1 & HA 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 126 w/HA 1 & HA 2** AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STUDENT GRADES AND TEACHER EVALUATIONS.

Senator Bonini questioned the floor manager.

Roll call vote on **HB 126 w/HA 1 & HA 2** was taken and revealed:

YES: 19

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

**HB 126 w/HA 1 & HA 2** was declared passed the Senate and returned to the House.

**HB 520** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Bunting.

**HB 520** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE LAND PROTECTION ACT.

Roll call vote on **HB 520** was taken and revealed:

YES: 21.

**HB 520** was declared passed the Senate and returned to the House.

**HB 504 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Adams.

**HB 504 w/HA 1** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO PROPERTY. Sponsor: Rep. Atkins; Sens. Simpson & Bunting.

Senator Henry questioned the floor manager.

Senator Amick commented.

Roll call vote on **HB 504 w/HA 1** was taken and revealed:

YES: 21.

**HB 504 w/HA 1** was declared passed the Senate and returned to the House.

**HB 356** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Cook.

**HB 356** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX.

Roll call vote on **HB 356** was taken and revealed:

YES: 21.

**HB 356** was declared passed the Senate and returned to the House.

**HB 492** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator McDowell.

**HB 492** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE REGARDING THE UNIFORM CONTROLLED SUBSTANCES ACT. Sponsor: Rep. Booth & Sen.

McDowell.

Roll call vote on **HB 492** was taken and revealed:

YES: 21.

**HB 492** was declared passed the Senate and returned to the House.

**HB 470** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Bunting.

**HB 470** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO PROPERTY TAXES AND THE EXEMPTION OF CERTAIN REAL PROPERTY FROM TAXATION

Roll call vote on **HB 470** was taken and revealed:

YES: 21.

**HB 470** was declared passed the Senate and returned to the House.

**HB 530 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Venables.

**HB 530 w/HA 1** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATED TO THE DELAWARE RESPONSIBLE ALCOHOLIC BEVERAGE SERVER TRAINING PROGRAM.

Senator Copeland questioned the floor manager.

Senator Venables requested personal privilege of the floor for John Cordrey, Commissioner of Alcohol Beverage Control.

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

Roll call vote on **HB 530 w/HA 1** was taken and revealed:

YES: 8

NO: Senator(s) Adams, Blevins, Bonini, Cook, Copeland, Henry, Marshall, McBride, Peterson, Vaughn, Venables - 11.

NOT VOTING: Senator(s) Bunting, Simpson - 2.

**HB 530 w/HA 1** was declared Defeated and returned to the House.

**HB 468** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 468** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES OF ALCOHOLIC BEVERAGES.

Senator Still commented.

Roll call vote on **HB 468** was taken and revealed:

YES: 15

NO: Senator(s) Bunting, Cook, Simpson, Sorenson, Still, Venables - 6.

**HB 468** was declared passed the Senate and returned to the House.

**HB 508 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Blevins.

**HB 508 w/HA 1** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH CARE MEDICAL NEGLIGENCE.

Roll call vote on **HB 508 w/HA 1** was taken and revealed:

YES: 21.

**HB 508 w/HA 1** was declared passed the Senate and returned to the House.

**HB 417** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 417** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LIFE SENTENCES.

Senator Vaughn requested personal privilege of the floor for Paul Wallace, representing the Office of the Attorney General.

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

Roll call vote on **HB 417** was taken and revealed:

YES: 18

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

ABSENT: Senator(s) Sorenson - 1.

**HB 417** was declared passed the Senate and returned to the House.

**HB 130** 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 Cook.

Senator Bonini commented.

Roll call vote on **HB 130** was taken and revealed:

YES: 15

NO: Senator(s) Amick, Bonini, Copeland, Simpson, Venables - 5.

ABSENT: Senator(s) Peterson - 1.

**HB 130** was declared passed the Senate and returned to the House.

**HB 532** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator McDowell.

**HB 532** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE PERTAINING TO SLUM CLEARANCE AND REDEVELOPMENT. Sponsor: Rep. DiPinto; Sens. McDowell & Henry.

Roll call vote on **HB 532** was taken and revealed:

YES: 17

ABSENT: Senator(s) Bonini, DeLuca, Peterson, Venables - 4.

**HB 532** was declared passed the Senate and returned to the House.

**HB 187 w/SA 3 & HA 1**, which was returned from the House with an amendment, was brought before the Senate for reconsideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Sokola.

**HB 187 w/SA 3 & HA 1** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE NEIGHBORHOOD SCHOOLS ACT OF 2000.

Senator Blevins requested that **SA 4 to HB 187 w/SA 3 & HA 1** be Stricken. No objection.

**SA 5 to HB 187** was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 5 to HB 187** was taken and revealed:

YES: 21.

**SA 5 to HB 187** was declared part of the bill.

**HB 187 w/SA 3, HA 1 & SA 5** was now before the Senate.

Roll call vote on **HB 187 w/SA 3, HA 1 & SA 5** was taken and revealed:

YES: 21.

**HB 187 w/SA 3, HA 1 & SA 5** was declared passed the Senate and sent to the House for Reconsideration.

Senator Henry requested personal privilege of the floor to acknowledge Ellan Wharton, soon to be retiring as a legislative agent for the DuPont Company.

**SR 26** was introduced and brought before the Senate for consideration on the motion of Senator Blevins.

**SR 26** - URGING THE GOVERNOR'S COMMISSION ON COMMUNITY-BASED ALTERNATIVES FOR INDIVIDUALS WITH DISABILITIES TO ESTABLISH A SUBCOMMITTEE TO UNDERTAKE ALL NECESSARY STEPS TO FUND, FACILITATE, AND COMPLETE A STUDY ON THE FEASIBILITY OF IMPLEMENTING THE "MONEY FOLLOWS THE PERSON" INITIATIVE IN THE STATE OF DELAWARE. Sponsor: Sen. Blevins.

Roll call vote on **SR 26** was taken and revealed:

YES: 21.

**SR 26** was declared Adopted by the Senate.

**HB 111 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Vaughn.

**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.

**SA 1 to HB 111** brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to HB 111** was taken and revealed:

YES: 13

NO: Senator(s) Amick, Blevins, Connor, McBride, Peterson, Sokola, Sorenson - 7.

NOT VOTING: Senator(s) Cloutier - 1.

**SA 1 to HB 111** was declared part of the bill.

**HB 111 w/HA 1 & SA 1** was now before the Senate.

Senator DeLuca presiding at 10:57 PM.

Several Senators commented on the bill.

Roll call vote on **HB 111 w/HA 1 & SA 1** was taken and revealed:

YES: 20

NO: Senator(s) Vaughn - 1.

**HB 111 w/HA 1 & SA 1** were declared passed the Senate and sent to the House for Reconsideration.

At 11:09 PM on motion from Senator McDowell, the Senate took a standing recess.

The Senate reconvened at 11:58 PM with Lt. Governor Carney presiding.

At 11:59 PM on motion from Senator McDowell, the Senate adjourned the 2nd Session of the 142<sup>nd</sup> General Assembly.

**1st LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
2<sup>ND</sup> SPECIAL SESSION  
JULY 1, 2004**

Pursuant to the following communication, the Senate was called to order into Session at 12:00 midnight, July 1, 2004 with Lt. Governor Carney presiding.

**SECOND SPECIAL SESSION  
JULY 1, 2004**

STATE OF DELAWARE  
OFFICE OF THE LIEUTENANT GOVERNOR

TO: Members of the 142<sup>nd</sup> General Assembly

FROM: John C. Carney, Jr., Lt. Governor, State of Delaware  
Terry R. Spence, Speaker of the House of Representatives

SUBJECT: Special Session

DATE: July 1, 2004

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, as amended, we hereby declared the 142<sup>nd</sup> General Assembly of the State of Delaware in Special Session.

(Signed) John C. Carney, Jr. Lt. Governor and  
President of the Senate

(Signed) Terry R. Spence  
Speaker of the House of Representatives

\* \* \*

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.

**HB 515 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Henry.

**HB 515 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TINTED WINDOWS. Sponsor: Rep. B. Ennis; Sen. Vaughn, Reps. Ewing, Lee, Schwartzkopf, Spence & Van Sant

Roll call vote on **HB 515 w/HA 1** was taken and revealed:

YES: 21.

**HB 515 w/HA 1** was declared passed the Senate and returned to the House.

**HB 499 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Bunting.

**HB 499 w/HA 1** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO TAX DITCHES.

Roll call vote on **HB 499 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HB 499 w/HA 1** was declared passed the Senate and returned to the House.

**HB 430** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 430** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO WORKERS COMPENSATION.

Roll call vote on **HB 430** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HB 430** was declared passed the Senate and returned to the House.

**HCR 58** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Adams.

**HCR 58** - A RESOLUTION ESTABLISHING A TASK FORCE TO DETERMINE THE NEED OF ESTABLISHING A BOARD OR COMMISSION FOR THE REGISTRATION, LICENSING, AND ADMINISTRATION OF CONSUMER AND COMMERCIAL HOME INSPECTIONS WITHIN THE STATE.

Roll call vote on **HCR 58** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HCR 58** was declared Adopted by the Senate and returned to the House.

**HS 1 for HB 501** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator McDowell.

**HS 1 for HB 501** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE HISTORIC PRESERVATION TAX CREDIT. Sponsor: Rep. DiPinto; Sens. McDowell & Sorenson; Rep. Hudson.

Roll call vote on **HS 1 for HB 501** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HS 1 for HB 501** was declared passed the Senate and returned to the House.

**HB 419 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Cook.

**HB 419 w/HA 1** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC LIBRARIES.

Senator Cook yields to Senator Venables.

Senators Henry and Still questioned the floor manager.

Senator Venables requested personal privilege of the floor for Rick Geisenberg, Assistant Secretary of State.

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

Senator DeLuca presiding at 12:29 AM.

Roll call vote on **HB 419 w/HA 1** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Sorenson - 1.

ABSENT: Senator(s) Bonini - 1.

**HB 419 w/HA 1** was declared passed the Senate and returned to the House.

**HB 506** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Vaughn.

**HB 506** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION.

Roll call vote on **HB 506** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HB 506** was declared passed the Senate and returned to the House.

**HCR 90** was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

**HCR 90** - A RESOLUTION ENCOURAGING THE DEPARTMENT OF CORRECTIONS TO STUDY AND TEST CONTINUOUS REMOTE ALCOHOL MONITORING TECHNOLOGY. Sponsor: Rep. Keeley; Sen. Vaughn; Rep. Smith.

Roll call vote on **HCR 90** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HCR 90** was declared Adopted by the Senate and returned to the House.

**HJR 36** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Cook.

**HJR 36** - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2005. Sponsor: Rep. DiPinto; Sen. Cook; Reps. Buckworth, D. Ennis, Fallon, Houghton, Williams; Sens. Amick, Bunting, Cloutier, Henry & Vaughn.

Roll call vote on **HJR 36** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**HJR 36** was declared passed the Senate and returned to the House.

**SB 350** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Cook.

**SB 350** - AN ACT MAKING APPROPRIATIONS FOR CERTAIN GRANTS-AIDS FOR THE FISCAL YEAR ENDING JUNE 30, 2005; SPECIFYING CERTAIN PROCEDURES, CONDITIONS, AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsor: Sen. Cook; Rep. DiPinto; Sens. Bunting, Henry, Vaughn, Amick, Cloutier; Reps. Buckworth, D. Ennis, Fallon, Houghton & Williams.

Roll call vote on **SB 350** was taken and revealed:

YES: 21.

**SB 350** was declared passed the Senate and sent to the House for Consideration.

**HB 438 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator McDowell.

**HB 438 w/HA 1** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE TO INCLUDE VACANT PROPERTY REGISTRATION FEES AS LIENS OF THE STATE AND/OR ITS POLITICAL SUBDIVISIONS. Sponsor: Rep. DiPinto & Keeley; Sen. Marshall.

Roll call vote on **HB 438 w/HA 1** was taken and revealed:

YES: 21.

**HB 438 w/HA 1** was declared passed the Senate and returned to the House.

**HJR 34** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Sokola.

**HJR 34** - A RESOLUTION RELATING TO THE USE OF ADDITIONAL ACADEMIC INDICATORS FOR THE PURPOSES OF ISSUING STATE HIGH SCHOOL DIPLOMAS. Sponsor: Reps. Maier & Oberle; Sens. Cook, DeLuca; Reps. Lavelle & Thornburg.

Senator Still questioned the floor manager.

Senator Cook commented.

Roll call vote on **HJR 34** was taken and revealed:

YES: 21.

**HJR 34** was declared passed the Senate and returned to the House.

Senator Cook requested personal privilege of the floor to present a tribute in honor of Joan Maxwell, Senate staff member, celebrating her birthday.

**HB 442 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 442 w/HA 1** - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO IDENTITY THEFT.

Roll call vote on **HB 442 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

**HB 442 w/HA 1** was declared passed the Senate and returned to the House.

**HB 500 w/HA 1** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Blevins.

**HB 500 w/HA 1** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY.

Senators Amick, Connor and Sorenson request to be added as co-sponsors.

Roll call vote on **HB 500 w/HA 1** was taken and revealed:

YES: 21.

**HB 500 w/HA 1** was declared passed the Senate and returned to the House.

Senator McDowell requested personal privilege of the floor to introduce Sarah Diener, daughter of Jean Diener, longtime staff member of the Senate.

At 01:08 AM on motion of Senator McDowell, the Senate took a standing recess.

The Senate reconvened at 01:53 AM with Senator DeLuca presiding.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HB 550; SB 284**.

**HB 550** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Venables.

**HB 550** - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF

THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; INCREASING CERTAIN REVENUES AND FEES DEDICATED TO THE TRANSPORTATION TRUST FUND; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS. Sponsor: Rep. Roy; Sen. Venables; Reps. Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Mulrooney, Sens. Blevins, Cook, DeLuca, Connor & Simpson.

The Debt Statement was approved as read on motion of Senator Venables.

Roll call vote on **HB 550** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**HB 550** was declared passed the Senate and returned to the House.

On motion of Senator McDowell, the Senate recessed at 02:00 AM until the call of the President Pro Tempore.

**2<sup>ND</sup> EXECUTIVE SESSION  
142<sup>nd</sup> GENERAL ASSEMBLY  
SEPTEMBER 21, 2004**

The Senate convened at 04:52 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 following communication was read to announce this Executive Session.

**STATE OF DELAWARE  
DELAWARE DEPARTMENT  
DOVER**

**PROCLAMATION**

By virtue of the authority vested in me as Governor by Article III, Section 16, of the Constitution of the State of Delaware, I, Ruth Ann Minner, hereby proclaim an extraordinary session of the Senate, to commence on Tuesday, September 21, 2004, for the transaction of executive business, including the consideration of: the nomination and appointment of a President Judge of the Delaware Superior Court, the nomination and appointment of two Associate Judges of the Delaware Family Court, the nomination and appointment of two Justices of the Peace and such other business as may properly come before the Senate.

IN WITNESS WHEREOF, I, Ruth Ann Minner, Governor of the State of Delaware, have set my Hand and caused the Great Seal of said State to be affixed this 15<sup>th</sup> day of September in the year of our Lord Two Thousand Four and of the Independence of the United States of America Two Hundred Twenty-Eight.

Signed                    Ruth Ann Minner  
   Governor

Attested                Harriet Smith Windsor  
   Secretary of State

\* \* \*

Senator McDowell moved for a moment of silence in memory of Rep. Bobby Quillen  
A letter of intent from the Office of the Governor was read to the record.

September 10, 2004

The Honorable John C. Carney, Jr.  
Lieutenant Governor  
State of Delaware  
Tatnall Building  
600 William Penn Street  
Dover, DE 19901

Re: Judicial Appointment

Dear Lieutenant Governor Carney:

Pursuant to Article IV< Section 3 of the Delaware Constitution, I write to inform you that I intend to submit the name of the Honorable James T. Vaughn, Jr. to the Senate for confirmation and appointment as the President Judge of the Delaware Superior Court. I will submit Judge Vaughn's name to the Senate on or prior to September 21, 2004.

Very truly yours,

Signature  
Ruth Ann Minner  
Governor

Cc: The Honorable Thurman G. Adams, Jr.  
President Pro Tempore of the Senate

\* \* \*

Senator Marshall requested personal privilege of the floor. The Secretary read in its entirety a tribute re: the 100<sup>th</sup> Anniversary of the Formal Incomp. of the Society of the Knights of Saint Hedwig. The Senator presented tributes to 3 participates and had them stand to be recognized.

A copy of this tribute is in today's legislative file.

Senator Still and Senator Adams commented on the death of Rep. Quillen.

On motion of Senator Adams and without objection, the following nomination(s) by the Governor were considered, under the suspension of the necessary rules.

**William Walls:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Debra Killen:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Larry Sipple:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**James Horn:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Michael Newell:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator Vaughn rose to explain that he would not be voting due to conflict of interest.

**James Vaughn:** 20 Senator(s) voting YES and 1 Senator(s) NOT VOTING, (Senator Vaughn). Appointment was declared CONFIRMED.

A communication from Senator Sorenson to Senator Adams and members was read in thanking them for the flowers sent for the death of her father-in-law.

Senator McDowell reminds the members of the Senate that we will remain in recess to the Call of the President Pro Tempore.

Various communications from the House, Governor and other sources received while the Senate was in recess filed with documents for this General Assembly, including

co-sponsors added to:

**SB 23** – Rep. Helene M. Keeley

**SB 30** – Senator Karen E. Peterson

**HB 136** – Senator Catherine L. Cloutier