

**11th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 13, 2002**

The Senate convened at 04:38 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

SB 39 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 39 - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO EDUCATION AND INTERSCHOLASTIC ATHLETICS.

Senator Amick commented.

SA 1 to SB 39 was brought before the Senate for consideration on the motion of Senator Amick.

Senator Bunting commented.

Roll call vote on **SA 1 to SB 39** was taken and revealed:

YES: 21

SA 1 to SB 39 was declared part of the bill.

Senator Venables marked present during the above roll call.

Senator Vaughn requested that **SA 2 to SB 39** be Stricken. No objection.

SA 3 to SB 39 was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Still commented.

Roll call vote on **SA 3 to SB 39** was taken and revealed:

YES: 21

SA 3 to SB 39 was declared part of the bill.

SB 39 w/SA 1 & SA 3 was now before the Senate.

Several Senators commented.

Roll call vote on **SB 39 w/SA 1 & SA 3** was taken and revealed:

YES: 12

NO: Senator(s) Amick, Bonini, Cloutier, Connor, Simpson, Sorenson, Still, Venables, Winslow - 9.

SB 39 w/SA 1 & SA 3 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 March 14, 2002.

On motion of Senator Adams, the Senate recessed at 05:35 PM until March 14, 2002 at 02:00 PM.

The Senate reconvened at 02:24 PM on March 14, 2002 with Lt. Governor Carney presiding.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
03/13/02**

SB 302 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO SNOW REMOVAL IN CERTAIN NONMUNICIPAL RESIDENTIAL COMMUNITIES. Sponsor: Sen. Connor; Amick, Rep. Miro; Sens. Blevins, Cloutier, DeLuca, Sharp, Winslow; Reps. Brady, Buckworth, Carey, Cathcart, Caulk, DiLiberto, D. Ennis, Gilligan, Lofink, Maier, Mulrooney, Oberle, Quillen, Reynolds, Schroeder, Scott, Ulbrich, Viola, West, Williams; Highways & Transportation.

SB 303 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DISSEMINATION OF CRIMINAL RECORD INFORMATION. Sponsor: Sen. Sharp; Spence; **Judiciary**.

SB 305 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH PLANNING AND RESOURCES MANAGEMENT. Sponsor: Sen. Blevins; Maier; **Health & Social Services**.

HB 111 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING ANTIQUE AUTOMOBILES OR MOTOR VEHICLES REGISTERED ANTIQUE AND INSPECTION. Sponsor: Rep. Oberle; Sokola; **Public Safety**.

HB 366 w/HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS. Sponsor: Rep. Ewing; Quillen; **Adult & Juvenile Corrections**.

HB 380 - AN ACT TO AMEND TITLE 14 AND TITLE 11 OF THE DELAWARE CODE RELATING TO TRUANCY. Sponsor: Rep. Maier; Sokola; **Education**.

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The Secretary announced a message from the House informing the Senate that it had passed **HB 111; HB 366 w/HA 1; HB 380**.

The following committee reports were announced:

From Public Safety: **SB 288** - 4 Merits.

From Agriculture: **HB 305** - 4 Merits.

At 02:25 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twelfth Legislative Day.

**12th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 14, 2002**

The Senate convened at 02:25 PM with Lt. Governor Carney presiding.

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

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

PRESENT: Senator(s) Adams, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 20

ABSENT: Senator(s) Amick - 1

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

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

Healy, John: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

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

Ryan, Theodore: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell)

Carpenter, Kim: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

Forest, John: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

Burger, Josef: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

Corrado, Joseph: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

Bross, Jeffrey: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

Green, Dallas: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

Epolito, Victor: 18 Senator(s) voting YES, 3 (Amick, Henry, McDowell) ABSENT. Appointment was declared CONFIRMED.

Senator Bonini rose to introduce Aaron Trinkle a guest in the Senate Chamber.

HB 305 was brought before the Senate for consideration on motion of the floor manager, Senator Bunting.

HB 305 - AN ACT TO AMEND TITLES 3, 7, AND 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES INVOLVING ANIMALS.

SA 1 to HB 305 was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to HB 305** was taken and revealed:

YES: 18

ABSENT: Senator(s) Amick, Henry, McDowell - 3.

SA 1 to HB 305 was declared part of the bill.

HB 305 w/SA 1 was now before the Senate.

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

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

Roll call vote on **HB 305 w/SA 1** was taken and revealed:

YES: 18

ABSENT: Senator(s) Amick, Henry, McDowell - 3.

HB 305 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

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

The Secretary announced the agenda for March 19, 2002.

On motion of Senator Adams, the Senate recessed at 03:15 PM until March 19, 2002 at 02:00 PM.

The Senate reconvened at 02:36 PM on March 19, 2002 with Lt. Governor Carney presiding.

Senator(s) Henry and McDowell marked present.

The Secretary announced a message from the House informing the Senate that it had passed **HB 393; HB 401; HB 383**.

A communication from Senator Liane Sorenson to the Secretary of the Senate, Bernard J. Brady was read informing the Senate that Representative Timothy U. Boulden was added as an additional co-sponsor of **SB 258**.

The following committee report was announced:

From Banking: **SB 307** - 3 Merits.

At 02:43 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirteenth Legislative Day.

**13th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 19, 2002**

The Senate convened at 02:43 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 20.

ABSENT: Senator(s) Cook - 1.

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

SB 288 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 288 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISTIC THREATENING AND FALSE REPORTS.

SA 1 to SB 288 was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to SB 288** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

SA 1 to SB 288 was declared part of the bill.

Senator(s) Connor, McBride and Winslow marked present during the above roll call.

SB 288 w/SA 1 was now before the Senate.

Senator Amick commented.

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

Senator Blevins moved to lay **SB 288 w/SA 1** on the Table. No objection.

SS 1 to SB 306 was Adopted in Lieu of the Original and brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Adams.

SS 1 to SB 306 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SECURED TRANSACTIONS. Sponsor: Sen. Adams & Rep. Stone; Sens. Sharp, Sokola & Sorenson; Reps. Spence, Carey, D. Ennis, Fallon, Hudson, Miro, Valihura, Gilligan, Houghton & Mulrooney.

Senator Adams requested the privilege of the floor for John Olsen, representing the DE State Bar Association, Uniform Commercial Code Committee and Estates & Trust Section.

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

Roll call vote on **SS 1 to SB 306** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

SS 1 to SB 306 was declared passed and sent to the House for Consideration.

SB 307 was brought before the Senate for consideration on the motion of Senator Adams.

SB 307 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS.

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

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

Roll call vote on **SB 307** was taken and revealed:

YES: 11

NO: Senator(s) Cloutier, Connor, Still, Winslow - 4.

NOT VOTING: Senator(s) Bonini, Bunting, Henry, Marshall, McDowell - 5.

ABSENT: Senator(s) Cook - 1.

SB 307 was Defeated.

Senator Adams moved to recess for Party Caucus at 03:10 PM.

The Senate reconvened at 04:10 PM with Lt. Governor Carney presiding.

Senator Still requested the privilege of the floor for Miki K. Smith, representing Iwanuma City Delegation. Miki introduced another guest and presented a gift to Lt. Governor Carney, after which the witnesses were excused.

SB 288 w/SA 1 was Lifted from the Table and brought before the Senate for consideration on the motion of Senator Blevins.

Senator(s) Amick and McDowell commented.

Senator Blevins requested the privilege of the floor for Matthew Denn, representing the Governor's office.

The witness was excused after addressing the Senate.

Roll call vote on **SB 288 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

SB 288 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

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

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
03/19/2002**

March 14, 2002

SA 1 to HCR 18 - Sponsor: Sen. Connor; Placed with the bill.

SB 306 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SECURED TRANSACTIONS. Sponsor: Sen. Adams; Stone, Sens. Sharp, Sokola, & Sorenson; Reps. Spence, Carey, D. Ennis, Fallon, Hudson, Miro, Valihura, Gilligan, Houghton, & Mulrooney; **Banking**.

SB 307 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. Sponsor: Sen. Adams; Stone, Sens. Sharp, Sokola, & Sorenson; Reps. Carey, D. Ennis, Fallon, Hudson, Valihura, Houghton, & Keeley; **Banking**.

SB 308 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PAROLE. Sponsor: Sen. Vaughn; Lee, Sen. McDowell; **Adult & Juvenile Corrections**.

SB 309 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PLANNING COORDINATION. Sponsor: Sen. DeLuca; Keeley, Sens. Blevins, Henry, Marshall, & McDowell, Reps. DiPinto, Roy, Plant, Scott, & Williams; **Sunset**.

SB 310 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES AND IDENTIFICATION CARDS. Sponsor: Sen. Bonini; Smith, Sens. Cloutier, Connor, Simpson, Sorenson, Still, Winslow; Reps. Boulden, Brady, Carey, Cathcart, B. Ennis, D. Ennis, Ewing, Houghton, Hudson, Lavelle, Lee, Miro, Reynolds, Spence, Stone, Thornburg, Ulbrich, Wagner; **Public Safety**.

SB 311 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsor: Sen. Marshall; Lofink; **Labor & Industrial Labor**.

March 19, 2002

SB 312 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS AND THE COUNCIL OF THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS. Sponsor: Sen. Amick; McBride, Rep. Oberle; Sen. DeLuca; Reps. Boulden, Ulbrich, Van Sant; **Administrative Services**.

SB 313 - AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO THE TESTING OF OFFENDERS FOR CERTAIN COMMUNICABLE DISEASES. Sponsor: Sen. Blevins; Ewing; **Adult & Juvenile Corrections**.

SB 314 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT OBLIGATIONS. Sponsor: Sen. Henry; Hudson; **Children; Youth & Families**.

HB 383 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CERTIFICATION OF AMBULANCE ATTENDANTS AND EMERGENCY MEDICAL TECHNICIANS. Sponsor: Rep. B. Ennis; Blevins, Reps. Brady, Buckworth, Caulk, DiLiberto, D. Ennis, Ewing, Gilligan, Houghton, Keeley, Lee, Maier, Mulrooney, Oberle, Plant, Price, Schroeder, Scott, Spence, Van Sant, Viola, Wagner, West, Williams; Sen. Vaughn; **Health & Social Services**.

HB 393 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, §5 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO FREEDOM OF SPEECH. Sponsor: Rep. DiLiberto; Reps. Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Hudson, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Plant, Price, Quillen, Reynolds, Schroeder, Scott, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, Van Sant, Viola, Wagner, West, Williams; Sens. Blevins, Bonini, DeLuca, Henry, Sokola, Winslow; **Executive**.

HB 401 - AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO MEDALS, DECORATIONS AND HONORS FOR ACTIVE MEMBERS OF THE DELAWARE NATIONAL GUARD AND RETIREMENT OF DELAWARE NATIONAL GUARD MEMBERS. Sponsor: Rep. Spence; Marshall; **Executive**.

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

Ms. Brenda C. Phillips
308 North West Street
Wilmington, DE 19801

To be reappointed a
member of the Merit
Employees Relations
Board to serve a term to
expire three years from
Senate Confirmation.

Mr. Harold B. Gray
703 Coverly Road
Wilmington, DE 19802

To be appointed a member
of the Environmental
Appeals Board to serve a
term to expire three years
from Senate confirmation.

The Honorable Charles H. Toliver, IV
4401 Miller Road
Wilmington, DE 19802

To be reappointed a Judge of
the Superior Court to serve a
term to expire twelve years
from swearing in.

Mr. Todd Schiltz
801 West 22nd Street
Wilmington, DE 19802

To be reappointed a
member of the Tax
Appeals Board to serve a
term to expire three years
from Senate confirmation.

The Honorable William C. Bradley
192 Flemings Landing Road
Townsend, DE 19734

To be reappointed a
Judge of the Court of
Common Pleas to serve
a term to expire twelve
years from swearing in.

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The Secretary announced the agenda for March 20, 2002.

On motion of Senator Adams, the Senate recessed at 04:28 PM until March 20, 2002 at 04:00 PM.

The Senate reconvened at 04:28 PM on March 20, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 35; HB 392**.

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

**14th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 20, 2002**

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

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

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

PRESENT: Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 20.

ABSENT: Senator(s) Cook - 1.

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

HB 216 w/HA 1 was Lifted from the Table and brought before the Senate for consideration on motion of the floor manager, Senator Henry.

SA 1 to HB 216 was brought before the Senate for consideration on the motion of Senator Sharp.

Senator(s) Bonini, McBride and McDowell commented.
Roll call vote on **SA 1 to HB 216** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1

SA 1 to HB 216 was declared part of the bill.

Senator(s) Connor, DeLuca and Sokola marked present during the above roll call.

SA 2 to HB 216 was brought before the Senate for consideration on the motion of

Senator Henry.

Several Senators commented.

Senator Henry requested the privilege of the floor for Willard Preston, III, State Fire Marshal.

The witness was excused after addressing the Senate.

Roll call vote on **SA 2 to HB 216** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

SA 2 to HB 216 was declared part of the bill.

HB 216 w/SA 1 & 2 was now before the Senate.

Senator Marshall requested the privilege of the floor once again for Willard Preston, III, State Fire Marshal.

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

HB 216 w/HA 1 & SA 1 & 2 was declared passed the Senate and sent to the House for Reconsideration.

Senator Sharp rose to informing the Senate that Senator Adams is now the longest serving legislator in the Delaware General Assembly.

HCR 32 was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

HCR 32 - EXTENDING THE TIME FOR THE CHILD ABUSE SUBSTANTIATION WORK GROUP TO SUBMIT ITS FINAL RECOMMENDATIONS TO THE GENERAL ASSEMBLY. Sponsor: Rep. Ulbrich & Sen. McDowell; Rep. Price; Sen. Cloutier

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

YES: 18

ABSENT: Senator(s) Cook, Sharp, Still - 3.

HCR 32 was declared Adopted in the Senate and returned to the House.

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

The following committee reports were announced:

From Labor: **SB 285** - 1 Favorable, 2 Merits; **SB 311** - 3 Merits; **HB 263 w/HA 1** - 3 Merits.

From Sunset: **SB 294** - 1 Favorable, 3 Merits; **SB 309** - 1 Favorable, 3 Merits.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
03/20/02**

SA 1 to SB 294 - Sponsor: Sen. DeLuca; Placed with the bill.

SA 1 to SB 309 - Sponsor: Sen. DeLuca; Placed with the bill.

SA 1 to SB 248 - Sponsor: Sen. Blevins; Placed with the bill.

SS 1 to SB 294 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LICENSES. Sponsor: Sen. DeLuca; Ulbrich, Sens. Blevins, Vaughn, Winslow; Reps. Ewing, Hudson, Keeley, Miro, Mulrooney, Roy, Smith, Van Sant & Viola; **Adopted in Lieu of the Original. LOT.**

SB 315 - AN ACT TO AMEND 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 MODIFY AND CLARIFY THAT VOTER QUALIFICATIONS IN ELECTIONS FOR BORROWING MONEY AND/OR ISSUING BONDS BE THE SAME AS FOR THE ANNUAL MUNICIPAL ELECTION

WITHIN THE TOWN AND TO PROVIDE FOR A REGISTRATION. Sponsor: Sen. Bunting; West; **Community/County Affairs**.

SB 316 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. Sponsor: Sen. Adams; Stone, Sens. Sharp, Sokola & Sorenson; Reps. Carey, D. Ennis, Fallon, Hudson, Valihura, Houghton & Keeley; **Banking**.

SB 318 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JURISDICTION AND VENUE OF THE JUSTICE OF THE PEACE COURT. Sponsor: Sen. Adams; Ewing, Rep. Wagner; **Judiciary**.

SB 319 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO ORGANIZATION AND OPERATION OF THE JUSTICE OF THE PEACE COURT. Sponsor: Sen. Adams; Ewing, Rep. Wagner; **Judiciary**.

SB 320 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL CONDITIONS. Sponsor: Sen. Blevins; Wagner; **Health & Social Services**.

SB 321 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF PROFESSIONAL COUNSELORS OF MENTAL HEALTH. Sponsor: Sen. DeLuca; Ulbrich, Sens. Henry, Venables & Winslow; **Sunset**.

HB 392 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVERS' TRAINING SCHOOL LICENSING AND DRIVERS' LICENSING. Sponsor: Rep. Wagner; Sokola; **Public Safety**.

HCR 35 - SUPPORTING ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS. Sponsor: Rep. Spence; Sharp; **LOT**.

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The Secretary announced the agenda for March 21, 2002.

On motion of Senator Adams, the Senate recessed at 05:34 PM until March 21, 2002 at 02:00 PM.

The Senate reconvened at 02:37 PM on March 21, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Executive: **William C. Bradley** - 4 Merits; **Harold B. Gray** - 4 Merits; **Brenda C. Phillips** - 4 Merits; **Todd Schlitz** - 4 Merits; **Charles H. Toliver, IV** - 1 Favorable, 3 Merits.

At 02:40 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Fifteenth Legislative Day.

**15th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 21, 2002**

The Senate convened at 02:40 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Winslow 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator McDowell requested the privilege of the floor for Mr. Hazell Reed, representing DE State University.

Mr. Reed introduced Mr. Rose as an artist and residence of the University, after which the witness was excused after addressing the Senate.

Senator McDowell presented a Senate tribute to Mr. Rose.

SR 16 was introduced and brought before the Senate for consideration on the motion of Senator Venables.

SR 16 - ESTABLISHING THE COMMUTER RAIL AND FIXED ROUTE TRANSIT TASK FORCE TO EXAMINE THE FEASIBILITY OF ESTABLISHING A COMMUTER RAIL AND/OR FIXED ROUTE TRANSPORTATION SYSTEM

THROUGHOUT THE STATE AND TO MAKE RECOMMENDATIONS THEREON TO THE DELAWARE GENERAL ASSEMBLY. Sponsor: Sen. Venables.

Several Senators commented.

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

YES: 20

ABSENT: Senator(s) Cook - 1.

SR 16 was declared Adopted.

Senator(s) Bunting, Connor and Marshall marked present during the above roll call.

Senator Still requested the personal privilege of the floor to introduce his sister, Charlotte Elizabeth Jacobs, who was visiting from California.

SB 309 was brought before the Senate for consideration on the motion of Senator DeLuca.

SB 309 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PLANNING COORDINATION.

SA 1 to SB 309 was brought before the Senate for consideration on the motion of Senator DeLuca.

Roll call vote on **SA 1 to SB 309** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook - 1.

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: 20

ABSENT: Senator(s) Cook - 1

SB 309 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SS 1 to SB 294 was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator DeLuca.

Several Senators commented.

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

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

Senator Still requested his name to be added as an additional co-sponsor. No objection.

Lt. Governor calls for Senate Attorney to determine if it is a 3/5-vote bill. Lt. Governor Carney announced it is a 3/5-vote bill.

Roll call vote on **SS 1 to SB 294** was taken and revealed:

YES: 18

NO: Senator(s) McBride - 1.

NOT VOTING: Senator(s) Bunting - 1.

ABSENT: Senator(s) Cook - 1.

SS 1 to SB 294 was declared passed the Senate and sent to the House for Consideration.

SB 311 was brought before the Senate for consideration on the motion of Senator Marshall.

SB 311 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Senator Bonini and Still questioned the sponsor.

Senator Marshall moved to lay **SB 311** on the Table. No objection.

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

The Secretary announced the agenda for March 26, 2002.

On motion of Senator Adams, the Senate recessed at 03:45 PM until March 26, 2002 at 02:00 PM.

The Senate reconvened at 03:00 PM on March 26, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **SS 1 to SB 306; HB 339 w/HA 1; HB 370; HB 387; HB 420 w/HA 1; HB 399; HB 386; HCR 34.**

The following committee reports were announced:

From Community/County Affairs: **SB 297** - 3 Merits; **SB 315** - 3 Merits; **SB 317** - 4 Merits.

From Banking: **SB 316** - 3 Merits.

Senator Cook marked present.

At 03:02 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Sixteenth Legislative Day.

**16th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 26, 2002**

The Senate convened at 03:02 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, Bonini, Blevins, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

No objections.

Senator Cook requested the privilege for the floor for the Girl Scouts for the presentation of colors. The Chesapeake Bay Council Scouts, members and staff sang America the Beautiful.

HCR 34 was brought before the Senate for consideration on the motion of the floor manager, Senator Cook and read in its entirety.

HCR 34 - RECOGNIZING MARCH 26, 2002, AS GIRL SCOUTS OF THE CHESAPEAKE BAY COUNCIL LEGISLATIVE DAY IN THE STATE OF DELAWARE. Sponsor: Rep. Fallon; On behalf of all Representatives & Sen. Cook, On behalf of all Senators.

Senator Connor commented.

Roll call vote on **HCR 34** was taken and revealed:

YES: 21

HCR 34 was declared Adopted by the Senate and returned to the House.

Senator(s) Blevins, McDowell and Venables marked present during the above roll call.

Senator Cook requested the privilege of the floor for Ann Marie van Den Hurk, representing the Girl Scouts of the Chesapeake Bay Council.

The witness was excused after addressing the Senate.

Lt. Governor Carney introduced Kyle Conner, his guest on the podium.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered:

Toliver, Charles: 20 Senator(s) voting YES, 1 (McBride) ABSENT. Appointment was declared CONFIRMED.

Bradley, William: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

SB 316 was brought before the Senate for consideration on the motion of Senator Adams.

SB 316 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS.

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.

SB 297 was brought before the Senate for consideration on the motion of Senator Bunting.

SB 297 - AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, THE CHARTER OF THE CITY OF REHOBOTH BEACH AS AMENDED, WITH REGARD TO THE AWARDING OF CONTRACTS AND THE REQUIREMENT FOR COMPETITIVE BIDDING IN RELATION THERETO.

Senator(s) Bonini and McDowell commented.

Roll call vote on **SB 297** was taken and revealed:

YES: 19

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

SB 297 was declared passed the Senate and sent to the House for Consideration.

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

The Senate reconvened at 04:28 PM with Lt. Governor Carney presiding.

Senator Bunting requested that **SB 315** be Stricken. No objection.

SB 317 was brought before the Senate for consideration on the motion of Senator Bunting.

SB 317 - AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO" RELATING TO VOTER QUALIFICATIONS AND REGISTRATION FOR ELECTIONS TO BORROW MONEY OR ISSUE BONDS AND RELATING TO THE SPECIAL ELECTIONS SCHEDULED FOR APRIL 27, 2002.

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

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

Roll call vote on **SB 317** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

SB 317 was declared passed the Senate and sent to the House for Consideration.

SB 311 was Lifted from the Table and brought before the Senate for consideration on the motion of Senator Marshall.

SB 311 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

SA 1 to SB 311 was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to SB 311** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

SA 1 to SB 311 was declared part of the bill.

SB 311 w/SA 1 was now before the Senate.

Senator Marshall requested the privilege of the floor for Tom McPherson, representing the Department of Labor.

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

Roll call vote on **SB 311 w/SA 1** was taken and revealed:

YES: 17

ABSENT: Senator(s) Cook, Henry, McBride, Venables - 4.

SB 311 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

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

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
03/26/02**

March 21, 2002

SB 317 - AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO" RELATING TO VOTER QUALIFICATIONS AND REGISTRATION FOR ELECTIONS TO BORROW MONEY OR ISSUE BONDS AND RELATING TO THE SPECIAL ELECTIONS SCHEDULED FOR APRIL 27, 2002. Sponsor: Sen. Bunting; West; **Community/County Affairs**.

SB 322 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LEVEL II STUDENTS AND PROMOTION TO THE NEXT GRADE. Sponsor: Sen. Sokola; Simpson, Reps. Reynolds, Schroeder & Ulbrich; Sens. Cook, DeLuca, Reps. Fallon, Maier, Miro, Wagner; **Education**.

SB 323 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO OYSTER HARVESTING. Sponsor: Sen. Simpson; Quillen; **Judiciary**.

March 26, 2002

SB 324 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO TRANSPORTATION CONSTRUCTION PROJECTS REQUIRING LANDSCAPING AND REFORESTATION ACTIVITIES. Sponsor: Sen. Cloutier; Valihura, Sens. Adams, Amick, Blevins, Bonini, Bunting, Connor, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Winslow; Reps. Cathcart, Hudson, Lavelle, Schroeder; **Highways & Transportation.**

HB 339 w/HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLES THAT MUST STOP AT RAILROAD CROSSINGS.

Sponsor: Rep. Valihura; Cloutier, Reps. Boulden, Buckworth, Carey, Caulk, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Lavelle, Lee, Lofink, Miro, Mulrooney, Plant, Scott, Stone; Sens. Sorenson, Winslow; **Public Safety.**

HB 370 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO MARRIAGE. Sponsor: Rep. Valihura; Smith, Reps. DiPinto, Fallon, Hudson, Lavelle, Lee, Stone, Wagner; Sens. Cloutier, Connor, Sorenson, Winslow; **Executive.**

HB 386 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF LAW ENFORCEMENT OFFICER. Sponsor: Rep. Williams; Reps. Brady, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, Gilligan, Houghton, Hudson, Keeley, Mulrooney, Oberle, Plant, Price, Reynolds, Valihura, Van Sant, West; Sen. Henry; **Public Safety.**

HB 387 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES. Sponsor: Rep. Oberle; McBride; **Judiciary.**

HB 399 - AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO THE CREATION OF A DELAWARE AVIATION ADVISORY COUNCIL. Sponsor: Rep. Spence; McBride; **Executive.**

HB 420 w/HA 1 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN KENT COUNTY KNOWN AS THE MCLANE READINESS CENTER. Sponsor: Rep. B. Ennis; Reps. Buckworth, Caulk, Ewing, Quillen, Stone, Thornburg, Wagner; Sens. Cook, Vaughn; **Community/County Affairs.**

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On motion of Senator Adams, the Senate recessed at 05:10 PM until March 27, 2002 at 04:00 PM.

The Senate reconvened at 04:08 PM on March 27, 2002 with Senator Sharp presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 442; HCR 36; HB 395.**

A communication from Senator Simpson to the Secretary of the Senate, Bernard J. Brady was read requesting his name to be removed from **HB 433.**

A communication from Senator Cloutier to the Secretary of the Senate, Bernard J. Brady was read requesting that Senator Cook's name be added as a co-sponsor of **SB 324.**

The following committee report was announced:

From Education: **SB 322** - 3 Merits.

At 04:10 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Seventeenth Legislative Day.

**17th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 27, 2002**

The Senate convened at 04:10 PM with Senator Sharp 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, Bonini, Blevins, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

Lt. Governor Carney presiding at 04:11 PM.

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

Phillips, Brenda: 20 Senator(s) voting YES, 1 (Venables) ABSENT. Appointment was declared CONFIRMED.

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

Schiltz, Todd: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator Venables marked present during the above roll call.

Senator Adams moved to recess for Party Caucus at 04:18 PM.

The Senate reconvened at 05:27 PM with Lt. Governor Carney presiding.

Senator Henry submitted a report to the Senate from Special Task Force on Drugs.

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

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed

Legislation was introduced for the permanent record, partially ready and copies were made available.

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
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SB 325 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY FUND. Sponsor: Sen. Bunting; Sen. Sokola; Reps. Maier, Price, Houghton; **Finance**.

SB 326 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RESIDENTIAL HEALTH FACILITIES. Sponsor: Sen. Vaughn; B. Ennis; **Finance**.

SB 327 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO TRAINING AND QUALIFICATIONS FOR NURSING ASSISTANTS AND CERTIFIED NURSING ASSISTANTS. Sponsor: Sen. Vaughn; B. Ennis, Sens. Amick, Simpson, Sorenson, Still, Winslow; Reps. DiPinto & Maier; **Finance**.

SB 328 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN THE TOWN OF GEORGETOWN, SUSSEX COUNTY, DELAWARE. Sponsor: Sen. Adams; West, Sen. Venables & Bunting; **Community/County Affairs**.

SB 329 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HUMAN CLONING. Sponsor: Sen. Venables; Sen. Simpson; Reps. Ewing, Lavelle, Thornburg, West; **Health & Social Services**.

SB 330 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SEARCH WARRANT RETURNS. Sponsor: Sen. Adams; Ewing, Rep. Wagner; **Judiciary**.

HB 395 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE SYMBOLS. Sponsor: Rep. Smith; Cloutier & Sen. Sokola & Reps. Carey, Cathcart, D. Ennis, Hudson, Lavelle, Thornburg; **Executive**.

HB 442 - AN ACT TO AMEND CHAPTER 18 OF TITLE 30 RELATING TO THE HISTORIC PRESERVATION TAX CREDIT. Sponsor: Rep. DiPinto; Adams; **LOT**.

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The Secretary announced the agenda for March 28, 2002.

On motion of Senator Adams, the Senate recessed at 05:31 PM until March 28, 2002 at 02:00 PM.

The Senate reconvened at 02:22 PM on March 28, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Corrections: **SB 308** - 3 Merits; **HB 343** - 3 Merits.

From Children, Youth and their Families: **SB 314** - 4 Merits.

From Health and Social Services: **SB 305** - 4 Merits; **HB 383** - 4 Merits.

At 02:25 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Eighteenth Legislative Day.

**18th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MARCH 28, 2002**

The Senate convened at 02:25 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) Amick, Adams, Blevins, Bonini, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 20.

ABSENT: Senator(s) Bunting - 1.

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

Senator Adams requested the personal privilege of the floor to introduce Secretary Ford and officers of the Delaware State Police. Senator Adams requested the privilege of the floor for Colonel L. Aaron Chaffinch. Senator Adams read and presented a tribute to the Colonel. Comments were made by Colonel Chaffinch, after which the witness was excused.

Senator(s) Amick, Connor and McDowell marked present.

HB 442 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 Adams.

Senator Amick commented.

Senator Adams requested the privilege of the floor for Jeffrey Clark, Senate Attorney. The witness was excused after addressing the Senate.

Roll call vote on **HB 442** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

HB 442 was declared passed the Senate and returned to the House.

Senator Sokola marked present during the above roll call.

SB 322 was brought before the Senate for consideration on the motion of Senator Sokola.

SB 322 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LEVEL II STUDENTS AND PROMOTION TO THE NEXT GRADE.

Senator Venables commented.

Senator Sokola requested the privilege of the floor for Cindy DiPinto, representing the Governor's office.

The witness was excused after addressing the Senate.

Roll call vote on **SB 322** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

SB 322 was declared passed the Senate and sent to the House for Consideration.

SB 305 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 305 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH PLANNING AND RESOURCES MANAGEMENT.

Roll call vote on **SB 305** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bunting, Venables - 2.

SB 305 was declared passed the Senate and sent to the House for Consideration.

HB 383 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HB 383 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CERTIFICATION OF AMBULANCE ATTENDANTS AND EMERGENCY MEDICAL TECHNICIANS.

Senator McBride commented.

Senator Connor requested her name be added as an additional co-sponsor. No objection.

Roll call vote on **HB 383** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bunting, Venables - 2.

HB 383 was declared passed the Senate and returned to the House.

SB 314 was brought before the Senate for consideration on the motion of Senator Henry.

SB 314 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT OBLIGATIONS.

Senator Still commented.

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

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

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

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

Senator Henry requested the privilege of the floor for Charles Hayward, representing the Division of Child Support.

The witness was excused after addressing the Senate.

Roll call vote on **SB 314** was taken and revealed:

YES: 18

NO: Senator(s) McBride, Winslow - 2.

ABSENT: Senator(s) Bunting - 1.

SB 314 was declared passed the Senate and sent to the House for Consideration.

SB 308 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 308 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PAROLE.

Roll call vote on **SB 308** was taken and revealed:

YES: 15

NO: Senator(s) Cloutier, Connor, Sorenson, Still, Winslow - 5.

ABSENT: Senator(s) Bunting - 1.

SB 308 was declared passed the Senate and sent to the House for Consideration.

Senator Cook requested the personal privilege of the floor to recognize Harold Hilyard on his retirement from the Senate staff.

Senator Amick commented.

Senator Cook requested the privilege of the floor for Harold Hilyard.

The witness was excused after addressing the Senate.

Mrs. Hilyard commented.

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

The Secretary announced the agenda for April 16, 2002.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed

Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
03/28/02**

March 27, 2002

SA 1 to HB 401 - Sponsor: Sen. Marshall; Placed with the bill.

SB 304 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE DELAWARE ASSOCIATION FOR THE BLIND. Sponsor: Sen. Blevins; Hudson, Sen. Sokola; Reps. DiLiberto, Gilligan, Roy; **Health & Social Services**.

March 28, 2002

SA 1 to SB 298 - Sponsor: Sen. Simpson; Placed with the bill.

SB 331 - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO ANNEXATIONS. Sponsor: Sen. DeLuca; Spence, Sens. Sharp & Sokola; Reps. Cathcart, Ewing, Houghton, & Viola; **Sunset**.

SB 332 - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO FREEDOM OF INFORMATION. Sponsor: Sen. Blevins; Maier, Sens. Amick, Henry, McDowell; Rep. Keeley; **Health & Social Services.**

SB 333 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCES. Sponsor: Sen. Henry; Hudson, Sen. Marshall & Rep. Keeley; **Adult & Juvenile Corrections.**

SB 334 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SUBSTANCE ABUSE EVALUATION AND TREATMENT. Sponsor: Sen. Henry; Hudson, Sen. Marshall & Rep. Keeley; **Adult & Juvenile Corrections.**

SB 335 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. Sponsor: Sen. Henry; Hudson, Sen. Marshall & Rep. Keeley; **Adult & Juvenile Corrections.**

SB 336 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DRUG PARAPHERNALIA. Sponsor: Sen. Henry; Hudson, Sen. Marshall & Rep. Keeley; **Combat Drug Abuse.**

SB 337 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES FOR PERSONS CONVICTED OF DRUG OFFENSES. Sponsor: Sen. Henry; Rep. Hudson; Sen. Marshall & Rep. Keeley; **Adult & Juvenile Corrections.**

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On motion of Senator Adams, the Senate recessed at 03:48 PM until April 16, 2002 at 02:00 PM or to the Call of the President Pro Tempore, which ever comes first.

The Senate reconvened at 02:32 PM with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 422 w/HA 1; HB 324; HB 425; HB 412; HB 424; SB 279; HB 413; HB 388; HB 391; HB 423; HB 438; SB 317; HCR 37.**

A communication from Office of the Mayor, City of New York referencing **SR 11** was read into the record. A copy of this communication is on file for this legislative day.

The 2001 Annual Report of the Delaware Nutrient Management Commission was read by title and announced as having been received in the Senate. Copies available to the members upon request and on file for this legislative day.

The following committee report was announced:

From Community/County Affairs: **SB 328** - 3 Merits.

Senator Henry rose to present a tribute to Public Allies, then asked for privilege of the floor for Patrick Carroll, Executive Director, where upon the tribute was read. Mr. Carroll was granted personal privilege of the floor and then excused after addressing the Senate.

At 02:37 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Nineteenth Legislative Day.

**19th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
APRIL 16, 2002**

The Senate convened at 02:37 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

No objections.

Senator Adams moved to recess for Party Caucus at 02:40 PM.

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

The Secretary announced a message from the House informing the Senate that it had passed **SB 301 w/HA 1 aab HA 1.**

The following committee reports were announced:

From Community/County Affairs: **HB 420 w/HA 1** - 3 Merits.

SB 328 was brought before the Senate for consideration on the motion of Senator Adams.

SB 328 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN THE TOWN OF GEORGETOWN, SUSSEX COUNTY, DELAWARE.

SA 1 to SB 328 was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 1 to SB 328** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

SA 1 to SB 328 was declared part of the bill.

SB 328 w/SA 1 was now before the Senate.

Roll call vote on **SB 328 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

SB 328 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 meeting were announced.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
04/16/02**

SB 301 w/HA 1, HA 1 to HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS INTO 21 SENATORIAL DISTRICTS AND 41 REPRESENTATIVE DISTRICTS AND TO PERMIT THE COUNTY BOARDS OF ELECTIONS TO APPROVE ELECTION LINES WHEN A VACANCY EXISTS ON THE BOARD. Sponsor: Sen. Sharp; Sens. Adams, Blevins, Bunting, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sokola, Vaughn, Venables; **LOT**.

SB 338 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INVESTMENT IN STOCK OF SUBSIDIARIES. Sponsor: Sen. Cook; Stone; **Insurance & Elections**.

SB 339 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SALE OF ABANDONED PROPERTY. Sponsor: Sen. DeLuca; Spence, Rep. Wagner; **Highways & Transportation**.

HB 324 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. Sponsor: Rep. Lofink; McBride, Reps. Spence, Buckworth, Ewing, Oberle, Gilligan; **Judiciary**.

HB 388 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY. Sponsor: Rep. Maier; Sokola; **Education**.

HB 391 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STATE APPROPRIATIONS. Sponsor: Rep. Maier; Sokola, Reps. Spence, Buckworth, Carey, DiPinto, Lofink, Miro, Stone, Ulbrich, Wagner, Sens. Sorenson, Cloutier, Connor, Simpson, Still, Winslow; **Education**.

HB 412 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS. Sponsor: Rep. B. Ennis; Vaughn, Reps. Brady, Ewing, Houghton, Lee, Oberle, Spence, Van Sant, Wagner, Williams; **Adult & Juvenile Corrections**.

HB 413 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES AND TRAFFICKING. Sponsor: Rep. Keeley; Reps. DiPinto, Scott; Sens. Marshall, McDowell; **Combat Drug Abuse**.

HB 422 w/HA 1 - AMEND TITLE 16, CHAPTER 50 OF THE DELAWARE CODE RELATING TO COSTS OF TRANSPORTATION. Sponsor: Rep. Ewing; **Finance**.

HB 423 - AN ACT AMENDING TITLE 29 OF THE DELAWARE CODE TO AUTHORIZE THE DIVISION OF STATE SERVICE CENTERS TO ENGAGE IN FUNDRAISING ACTIVITIES. Sponsor: Rep. Maier; Blevins; **Administrative Services**.

HB 424 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS. Sponsor: Rep. Lee; Sharp, Reps. Smith, Boulden, Cathcart, DiLiberto, Ewing, Fallon, Lavelle, Maier, Miro, Stone, Thornburg, Valihura, Gilligan, Van Sant, B. Ennis, Houghton, Mulrooney, Plant, Price, Viola, West; Sens. Bunting, Vaughn, Cloutier, Simpson; **Agriculture**.

HB 425 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsor: Rep. Lofink; Oberle & Sen. Marshall; **Labor & Industrial Labor**.

HB 438 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL FOR CERTAIN CRIMES. Sponsor: Rep. Wagner; Vaughn; **Adult & Juvenile Corrections**.

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

Cynthia L. Hughes
2415 Milford-Harrington Hwy.
Milford, DE 19963

To be reappointed a member
of the Tax Appeals Board
to serve a term to expire 3
years from Senate
confirmation.

Phyllis M. McKinley
35 Chatham Court
Dover, DE 19901

To be reappointed a member
of the Delaware Solid Waste
Authority to serve a term to
expire 3 years from Senate
confirmation.

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The Secretary announced the agenda for April 17, 2002.

On motion of Senator Adams, the Senate recessed at 04:53 PM until April 17, 2002 at 04:00 PM.

The Senate reconvened at 04:52 PM on April 17, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Finance: **SB 326** - 5 Merits; **SB 327** - 4 Merits.

LEGISLATIVE ADVISORIES #26 AND #27, 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 #26, dated April 8, 2002, the Governor signed the following legislation on the dates indicated:

HB #363 (3/25/02) - AN ACT TO AMEND CHAPTER 50, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF VIOLA. (Sponsors: Rep. Quillen) (Volume 73, Chapter 235, Laws of Delaware.)

SS #1 to SB #306 (3/27/02) - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SECURED TRANSACTIONS. (Sponsors: Sen. Adams & Rep. Stone; Sens. Sharp, Sokola, Sorenson; Reps. Spence, Carey, D. Ennis, Fallon, Hudson, Miro, Valihura, Gilligan, Houghton, Mulrooney) (Volume 73, Chapter 236, Laws of Delaware.)

HB #216 aab HA 1 & SA 1 & SA 2 (3/27/02) - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE PREVENTION. (Sponsors: Rep. Smith & Sen. McBride; Reps. Spence, Lee, Fallon, Hudson, Thornburg, Ulbrich, B. Ennis, Brady, Gilligan, Price, Schroeder, West; Sens. Bunting, Vaughn, Amick, Bonini, Cloutier, Connor, Sorenson, Still, Winslow) (Volume 73, Chapter 237, Laws of Delaware.)

HB #305 aab SA 1 (3/27/02) - AN ACT TO AMEND TITLES 3, 7, AND 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES INVOLVING ANIMALS. (Sponsors: Rep. Maier & Sen. Bunting; Reps. Smith, Lee, D. Ennis, Ewing, Lavelle, Thornburg, Ulbrich, Wagner; Sen. Venables) (Volume 73, Chapter 238, Laws of Delaware.)

HB #383 (3/28/02) - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CERTIFICATION OF AMBULANCE ATTENDANTS AND EMERGENCY MEDICAL TECHNICIANS. (Sponsors: Rep. B. Ennis & Sen. Blevins; Reps. Brady, Buckworth, Caulk, DiLiberto, D. Ennis, Ewing, Gilligan, Houghton,

Keeley, Lee, Maier, Mulrooney, Oberle, Plant, Price, Schroeder, Scott, Spence, Van Sant, Viola, Wagner, West, Williams; Sen. Vaughn) (Volume 73, Chapter 239, Laws of Delaware.)

HB #442 (3/28/02) – AN ACT TO AMEND CHAPTER 18 OF TITLE 30 RELATING TO THE HISTORIC PRESERVATION TAX CREDIT. (Sponsors: Rep. DiPinto & Sen. Adams) (Volume 73, Chapter 240, Laws of Delaware.)

* * *

LEGISLATIVE ADVISORY #27, dated April 15, 2002, the Governor signed the following legislation on the dates indicated:

SB #279 (4/10/02) – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL FISHING. (Sponsors: Sen. Simpson & Rep. Quillen) (Volume 73, Chapter 241, Laws of Delaware.)

SB #317 (4/10/02) – AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO" RELATING TO VOTER QUALIFICATIONS AND REGISTRATION FOR ELECTIONS TO BORROW MONEY OR ISSUE BONDS AND RELATING TO THE SPECIAL ELECTIONS SCHEDULED FOR APRIL 27, 2002. (Sponsors: Sen. Bunting & Rep. West) (Volume 73, Chapter 242, Laws of Delaware.)

* * *

A communication from Senator Vaughn to Bernard J. Brady, Secretary of the Senate was read into the record clarifying and confirming the co-sponsorship of **SB 326** & **SB 327** as following: Sen. Vaughn & Sen. Simpson & Rep. DiPinto; Sens. Adams, Amick, Sorenson; Reps. Maier & B. Ennis.

Senator Still requested to be added as an additional co-sponsor of **SB 326** & **SB 327**.

At 04:55 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twentieth Legislative Day.

**20th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
APRIL 17, 2002**

The Senate convened at 04:53 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Winslow rose and requested his name be added as an additional co-sponsor of **HB 401**.

HB 420 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 420 w/HA 1 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN KENT COUNTY KNOWN AS THE MCLANE READINESS CENTER.

Senator McBride and Vaughn commented.

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

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

Roll call vote on **HB 420 w/HA 1** was taken and revealed:

YES: 21

HB 420 w/HA 1 was declared passed the Senate and returned to the House.

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

Senator Sharp rose to comment on redistricting, after which Senator Sharp requested the privilege of the floor for Francis Murphy, Senate Attorney.

Mr. Murphy explained legal difficulties with the House Amendment of **SB 301**.

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

Further comments were made by Senator Sharp.

The Secretary announced the agenda for April 18, 2002.

On motion of Senator Adams, the Senate recessed at 05:15 PM until April 18, 2002 at 02:00 PM.

The Senate reconvened at 02:30 PM on April 18, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Health and Social Services: **SB 304** - 3 Merits; **SB 332** - 3 Merits.

From Executive: **SB 195** - 5 Merits; **Phyllis M. McKinley** - 5 Merits; **Cynthia L. Hughes** - 5 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 38**.

At 02:35 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-first Legislative Day.

**21st LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
APRIL 18, 2002**

The Senate convened at 02:35 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

No objections.

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

Hughes, Cynthia: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator(s) Amick, Bunting and Henry marked present during the above roll call.

McKinley, Phyllis: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

SCR 25 was introduced and brought before the Senate for consideration on the motion of Senator Connor.

SCR 25 - PROCLAIMING THE WEEK OF APRIL 21 THROUGH APRIL 27, 2002, AS ADMINISTRATIVE PROFESSIONALS WEEK. Sponsor: Sen. Connor & Rep. Spence; On behalf of all Senators; On behalf of all Representatives.

Roll call vote on **SCR 25** was taken and revealed:

YES: 21

SCR 25 was declared Adopted in the Senate and sent to the House for Consideration.

Senator Cook requested the privilege of the floor for Barbara Ridge, representing DACOA.

The witness was excused after addressing the Senate.

Senator McDowell commented.

SJR 13 was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator Sharp.

SJR 13 - SUPPORTING ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS.

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

YES: 20

ABSENT: Senator(s) Venables - 1.

SJR 13 was declared passed and sent to the House for Consideration.

SB 304 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 304 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE DELAWARE ASSOCIATION FOR THE BLIND.

Senator Simpson questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Janet Shannon, representing the Delaware Association for the Blind.

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

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

YES: 21

SB 304 was declared passed the Senate and sent to the House for Consideration.

SB 332 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 332 - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO FREEDOM OF INFORMATION.

Senator Venables commented.

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

The witness was excused after addressing the Senate.

Senator(s) Bunting and McBride questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Gerard M. Spadaccini, representing DHSS - Office of the Chief Medical Examiner.

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

Senator Bonini commented.

Roll call vote on **SB 332** was taken and revealed:

YES: 17

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

NOT VOTING: Senator(s) Simpson - 1.

ABSENT: Senator(s) Still - 1.

SB 332 was declared passed the Senate and sent to the House for Consideration.

Senator Adams moved to recess for Party Caucus at 03:30 PM.

The Senate reconvened at 06:02 PM with Lt. Governor Carney presiding.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
04/18/02**

April 17, 2002

SA 1 to SB 312 - Sponsor: Sen. Amick; Placed with the bill.

April 18, 2002

SA 2 to SB 301 - Sponsor: Sen. Amick; Placed with the bill.

SA 1 to SB 295 - Sponsor: Sen. Winslow; Placed with the bill.

SA 3 to SB 301 - Sponsor: Sen. Amick; Placed with the bill.

SJR 13 - SUPPORTING ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS. Sponsor: Sen. Sharp; Spence, Sen. Adams; **LOT**.

SB 340 - AN ACT TO AMEND CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO ELECTIONS. Sponsor: Sen. Still; **Insurance & Elections**.

SB 341 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE AND CHAPTER 96, VOLUME 73, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE. Sponsor: Sen. Blevins; Maier; **Insurance & Elections**.

* * *

The Secretary announced a message from the House informing the Senate that it had passed **HB 427 w/HA 1; HB 239 w/HA 2; HB 439; HS 1 to HB 390; HB 458; SB 316; SS 1 to SB 294 w/HA 1.**

HB 458 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Sokola.

HB 458 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMMUNITY NOTIFICATION OF SEX OFFENDER AND TO EXTEND THE LIFE OF THE COMMUNITY NOTIFICATION TASK FORCE.

Sponsor: Rep. Schroeder & Sen. Sokola.

Roll call vote on **HB 458** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bunting, Winslow - 2.

HB 458 was declared passed the Senate and returned to the House.

SENATE CONSENT CALENDAR #6 was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

HCR 36 - REQUESTING THAT DELAWARE'S CONGRESSIONAL DELEGATION SUPPORT FEDERAL LEGISLATION WHICH REQUIRES CRIMINAL BACKGROUND CHECKS FOR ALL CIVILIAN PILOT TRAINING SCHOOL AND AIRCRAFT MAINTENANCE TRAINING SCHOOL APPLICANTS.

Sponsor: Rep. Ulbrich & Sen. Henry & Sen. McDowell; Reps. Boulden, Buckworth, Carey, Cathcart, DiPinto, Ewing, Fallon, Gilligan, Houghton, Hudson, Lavelle, Lee, Maier, Miro, Quillen, Reynolds, Spence, Stone, Thornburg, Valihura, Van Sant, Wagner, West, Williams; Sens. Cloutier, Winslow.

HCR 37 - ENCOURAGING THE PARTICIPATION IN SCHOOL BREAKFAST AND SUMMER LUNCH PROGRAMS AS A MEANS OF CAPITALIZING ON THE LINK BETWEEN NUTRITION AND IMPROVED ACADEMIC PERFORMANCE.

Sponsor: Rep. Wagner & Sen. Sokola; Reps. Buckworth, Carey, Caulk, D. Ennis, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Reynolds, Stone, Ulbrich, Houghton, Plant, Price.

HCR 38 - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2002 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsor: Rep. Spence; On behalf of all Representatives & Sen. Sharp, On behalf of all Senators.

HCR 39 - ENCOURAGING PARENTS TO HAVE THEIR CHILDREN'S EYES EXAMINED BY A PROFESSIONAL, PRIOR TO ENTERING SCHOOL. Sponsor: Rep. Fallon & Rep. Oberle.

HCR 40 - IN RECOGNITION OF TELECOMMUNICATIONS WEEK. Sponsor: Rep. Spence & Sen. Sharp.

A roll call vote was taken on **SENATE CONSENT CALENDAR #6** and revealed 20 Senators voting YES, 1(Winslow) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The House Concurrent Resolutions were returned to the House.

The Secretary announced a message from the House informing the Senate that it had passed **HB 467**.

HB 467 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Adams.

HB 467 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS INTO 21 SENATORIAL DISTRICTS AND 41 REPRESENTATIVE DISTRICTS AND TO PERMIT THE COUNTY BOARDS OF ELECTIONS TO APPROVE ELECTION LINES WHEN A VACANCY EXISTS ON THE BOARD.

Sponsor: Rep. Spence & Rep. Smith & Rep. Lee & Sen. Sharp & Sen. Adams & Sen. Marshall.

Senator Amick commented.

Senator Adams presiding at 06:15 PM.

Senator Sharp commented.

Senator Amick responded.

Several Senator(s) commented.

Roll call vote on **HB 467** was taken and revealed:

YES: 21

HB 467 was declared passed the Senate and returned to the House.

Senator Winslow requested T-shirts be handed out to the members.

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

The Secretary announced the agenda for April 23, 2002.
On motion of Senator Sharp, the Senate recessed at 06:35 PM until April 23, 2002 at 02:00 PM.

The Senate reconvened at 03:03 PM on April 23, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Judiciary: **SB 286** - 3 Merits; **SB 303** - 3 Merits; **SB 330** - 3 Merits.

LEGISLATIVE ADVISORY #28, 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 #28, dated April 19, 2002, the Governor signed the following legislation on the dates indicated:

HB #467 (4/19/02) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS INTO 21 SENATORIAL DISTRICTS AND 41 REPRESENTATIVE DISTRICTS AND TO PERMIT THE COUNTY BOARDS OF ELECTIONS TO APPROVE ELECTION LINES WHEN A VACANCY EXISTS ON THE BOARD. (Sponsors: Rep. Spence & Rep. Smith & Rep. Lee & Sen. Sharp & Sen. Adams & Sen. Marshall) (Volume 73, Chapter 243, Laws of Delaware.)

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At 03:05 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-second Legislative Day.

**22nd LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
APRIL 23, 2002**

The Senate convened at 03:05 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

The journal

Senator Marshall rose to welcome students from Haley School, which were seated in the balcony.

SS 1 to SB 294 was brought before the Senate for consideration on the motion of Senator DeLuca.

SS 1 to SB 294 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LICENSES.

Senator Amick commented.

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

The witness was excused after addressing the Senate.

Roll call vote on **SS 1 to SB 294 w/HA 1** was taken and revealed:

YES: 21

SS 1 to SB 294 w/HA 1 was declared passed the Senate and was sent to the Governor.

Senator(s) Blevins, Connor and Sorenson marked present during the above roll call.

On motion of Senator Adams the Senate recessed at 03:13 PM for Party Caucus.

The Senate reconvened at 04:46 PM with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it passed **HB 443; SB 297**.

The following committee report was announced:

From Public Safety: **SB 190** - 3 Merits.

Senator Sharp commented on Bernard J. Brady's 50th Birthday. Senator Sharp read and presented him with a Senate tribute. The entire Senate and staff sang Happy Birthday.

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

The Secretary announced the agenda for April 24, 2002.
On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
04/23/02**

SA 1 to HB 439 - Sponsor: Sen. Cook; Placed with the bill.

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

William C. Pfeifer 249 Garrisons Circle Smyrna, DE 19977	To be reappointed a member of the Board of Parole to serve a term to expire 4 years from Senate confirmation.
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John V. Flynn, Jr. 10 South Hampshire Court Wilmington, DE 19807	To be reappointed a member of the Cash Management Policy Board to serve a term to expire 3 years from Senate confirmation.
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SB 345 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS AND THE CHANGE OF PARTY DESIGNATION. Sponsor: Sen. Sharp; Spence, Sen. Amick, & Rep. Gilligan; **LOT**.

SB 342 - AN ACT TO AMEND CHAPTER 275, VOLUME 71, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE. Sponsor: Sen. Blevins; Reps. Keeley, Maier, Oberle; **Insurance & Elections**.

SB 343 - AN ACT TO AMEND SECTION 6960, CHAPTER 69, TITLE 29, DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS AND PRE-PAID WAGE RATES. Sponsor: Sen. Marshall; Lofink, Sens. McBride, DeLuca, Henry, Sharp, Rep. Mulrooney; **Labor & Industrial Labor**.

SB 344 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO A CLONING PROHIBITION AND RESEARCH PROTECTION ACT. Sponsor: Sen. Venables; **Small Business**.

HB 239 w/HA 2 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO ADOPTION. Sponsor: Rep. Wagner; Blevins, Reps. Lee, Buckworth, Cathcart, DiPinto, Ewing, Maier, Miro, Quillen, Ulbrich, Valihura, Brady, B. Ennis, Plant, Price; **Health & Social Services**.

HB 427 w/HA 1 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURT CIVIL COSTS. Sponsor: Rep. Hudson; Reps. Wagner, DiPinto, Keeley, Buckworth, Lee; Sens. Marshall, Winslow, Vaughn; **Executive**.

HB 439 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES. Sponsor: Rep. Wagner; Cook; **Insurance & Elections**.

HB 443 - AN ACT TO AMEND CHAPTER 39, TITLE 7 OF THE DELAWARE CODE RELATING TO THE USE OF THE STATE DREDGE. Sponsor: Rep. Price; Bunting, Reps. Buckworth, Carey, B. Ennis, Fallon, Houghton, Keeley, Plant, Van Sant, West; **Executive**.

HS 1 to HB 390 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES. Sponsor: Rep. Hudson; Bunting, Reps. Smith, Lee, Buckworth, Carey, Cathcart, DiPinto, Thornburg, Wagner, B. Ennis, Houghton, Price, Scott, Viola, Amick, Sorenson, Bonini, Cloutier, Connor, Simpson, Still, Winslow; **Judiciary**.

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On motion of Senator Adams, the Senate recessed at 04:53 PM until April 24, 2002 at 04:00 PM.

The Senate reconvened at 04:16 PM with Lt. Governor Carney presiding.

The following committee reports were announced:

From Executive: **John V. Flynn, Jr.** - 5 Merits; **William C. Pfeifer** - 5 Merits; **HB 401** - 5 Merits.

From Sunset: **SB 321** - 1 Favorable, 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 41; HCR 42; HJR 24; SCR 25**.

At 04:20 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-third Legislative Day.

**23rd LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
APRIL 24, 2002**

The Senate convened at 04:20 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Marshall requested the personal privilege of the floor to introduce a group of Polish-Americans and Lithuania visitors, visiting the General Assembly. Senator Marshall requested the privilege of the floor for the Lithuanian Ambassador, Vygaudas Usoichas, representing the DE Federation of Polish Americans.

The witness was excused after addressing the Senate.

HCR 42 was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HCR 42 - MEMORIALIZING PRESIDENT GEORGE W. BUSH AND THE MEMBERS OF DELAWARE'S CONGRESSIONAL DELEGATION TO SUPPORT AND PROMOTE ADMISSION OF ESTONIA, LATVIA AND LITHUANIA TO THE NORTH ATLANTIC TREATY ORGANIZATION. Sponsor: Rep. Keeley & Sen. Marshall; Reps. Boulden, Buckworth, Carey, Caulk, DiLiberto, DiPinto, Ewing, Lee, Lofink, Mulrooney, Plant, Price, Quillen, Reynolds, Spence, Stone, Thornburg, Valihura, Van Sant, Viola; Sens. Adams, Bonini, Bunting, Cook, Henry, McDowell, Simpson, Sokola, Vaughn, Venables, Winslow.

Roll call vote on **HCR 42** was taken and revealed:

YES: 21

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

SB 345 was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Sharp.

SB 345 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS AND THE CHANGE OF PARTY DESIGNATION.

Senator McDowell commented.

Roll call vote on **SB 345** was taken and revealed:

YES: 21

SB 345 was declared passed the Senate and sent to the House for Consideration.

SB 286 was brought before the Senate for consideration on the motion of Senator Sharp.

SB 286 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, BY ADDING A NEW SECTION 40 RELATING TO THE ADMISSIBILITY OF EVIDENCE GATHERED PURSUANT TO A SEARCH WARRANT.

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

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

Senator Sharp requested the privilege of the floor for Matthew Denn, representing the Governor's office.

Senator(s) Blevins and Winslow questioned the witness, after which the witness was excused.

Roll call vote on **SB 286** was taken and revealed:

YES: 16

NO: Senator(s) Blevins, Bonini, McDowell, Simpson, Venables - 5.

SB 286 was declared passed the Senate and sent to the House for Consideration.

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

The Secretary announced the agenda for April 25, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
04/24/02**

SA 1 to SB 336 - Sponsor: Sen. Henry; Placed with the bill.

SB 346 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO COMPOSITION OF ELECTIONS DISTRICTS. Sponsor: Sen. Adams; Cook, Sen. Winslow & Rep. Lee; **Insurance & Elections**.

SB 347 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO ENTRY OF DEFAULT JUDGMENTS IN THE JUSTICE OF THE PEACE COURT. Sponsor: Sen. Adams; Ewing, Rep. Wagner; **Judiciary**.

SB 348 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE LIABILITY. Sponsor: Sen. Amick; Rep. Smith; **Insurance & Elections**.

SB 349 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN FORMA PAUPERIS. Sponsor: Sen. Vaughn; Lee; **Adult & Juvenile Corrections**.

SB 350 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE FRANCHISING PRACTICES. Sponsor: Sen. Adams; DiPinto; **Executive**.

* * *

On motion of Senator Adams, the Senate recessed at 05:42 PM until April 25, 2002 at 02:00 PM.

The Senate reconvened at 02:17 PM with Senator Sharp presiding.

The following committee reports were announced:

From Committee to Combat Drug Abuse: **SB 336** - 3 Merits; **HB 413** - 3 Merits.

From Labor: **SB 343** - 3 Favorable.

From Public Safety: **HB 111** - 4 Merits; **HB 386** - 4 Merits.

A communication from Senator Simpson to the Secretary of the Senate, Bernard J.

Brady was read into the record requesting Senator Venables be added as an additional co-sponsor of **SB 298**.

At 02:20 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-fourth Legislative Day.

**24th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
APRIL 25, 2002**

The Senate convened at 02:20 PM with Senator Sharp 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

No objections.

Senator(s) McBride marked present.

On motion of Senator Adams, the Senate recessed at 02:21 PM.

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

The Secretary announced a message from the House informing the Senate that it passed **HCR 43**.

Senator Adams requested the personal privilege of the floor for students representing Career & Technical Organizations. The following addressed the Senate members: Laura Calderon, Kathy Sweeney, Meredith Stevenson, Sarah Windle, Tina Nichols, Rebecca Pearson, after which geraniums were presented to the members.

Senator Sharp commented.

HCR 43 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HCR 43 - 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 & Reps. Smith, Lee, Gilligan, Van Sant, On behalf of all Representatives, Sen. Sharp; Sens. Adams, Marshall, Amick, Sorenson, On behalf of all Senators.

Roll call vote on **HCR 43** was taken and revealed:

YES: 21

HCR 43 was declared Adopted by the Senate and was returned to the House.

Senator(s) Amick, Bunting, Cook and McDowell marked present during the above roll call.

Senator Connor rose to introduce Sarah Diener, the daughter of Senate Staff member, Jean Ann Diener and Senator Cloutier rose to introduce her daughter Bethany Lynn Cloutier. Both guests were in Legislative Hall for "take your daughter to work day".

SB 330 was brought before the Senate for consideration on the motion of Senator Adams.

SB 330 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SEARCH WARRANT RETURNS.

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 343 was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

HB 343 - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME.

Senator Bonini commented.

Senator Vaughn requested the privilege of the floor for Francis Murphy, Senate Attorney.

The witness was excused after addressing the Senate.

Roll call vote on **HB 343** was taken and revealed:

YES: 21

HB 343 was declared passed the Senate and returned to the House.

HB 386 was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

HB 386 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF LAW ENFORCEMENT OFFICER.

Senator McBride commented.

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

Senator(s) DeLuca and McDowell questioned the witness, after which the witness was excused.

Roll call vote on **HB 386** was taken and revealed:

YES: 21

HB 386 was declared passed the Senate and returned to the House.

Senator Adams moved to recess for Party Caucus at 03:34 PM.
The Senate reconvened at 04:36 PM with Lt. Governor Carney presiding.
On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
04/25/02**

SA 1 to SB 303 - Sponsor: Sen. Winslow; Placed with the bill.

SA 2 to HB 401 - Sponsor: Sen. Marshall; Placed with the bill.

HJR 24 - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE. Sponsor: Rep. Maier; On behalf of all Representatives & Sen. Blevins, On behalf of all Senators; **LOT**.

SB 351 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICE OF THE CHILD ADVOCATE. Sponsor: Sen. McDowell; Blevins, Reps. Maier, Valihura & Keeley; **Children; Youth & Families**.

SB 352 - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES PROVIDING WATER SERVICE. Sponsor: Sen. Sharp; **Judiciary**.

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

Pfeifer, William: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Flynn, John: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

HJR 24 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 Blevins.

HJR 24 - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE.

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

YES: 21

HJR 24 was declared passed the Senate and was returned to the House.

SS 1 to SB 273 was introduced and Adopted in Lieu of the Original on the motion of Senator McBride.

SS 1 to SB 273 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ABOVEGROUND STORAGE TANKS. Sponsor: Sen. McBride & Rep. Quillen; Sens. Cloutier, Connor & Winslow, Reps. Carey, D. Ennis & Price.

SENATE CONSENT CALENDAR #7 was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

HCR 41 - PROCLAIMING THE MONTH OF MAY 2002 AS "MOTORCYCLE AWARENESS MONTH" AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DECLARING SAME. Sponsor: Rep. B. Ennis; Reps. Brady, D. Ennis, Houghton, Price, Spence; Sen. Vaughn.

SCR 26 - URGING THE CITIZENS' STAMP ADVISORY COMMITTEE OF THE U.S. POSTMASTER GENERAL TO RECOMMEND THE ISSUANCE OF A U.S. POSTAL SERVICE STAMP COMMEMORATING THE VITAL ROLE OF COAL MINERS IN THE HISTORY AND ECONOMIC DEVELOPMENT OF OUR NATION. Sponsor: Sen. Simpson & Rep. Spence; Sens. Amick; Bonini; Cloutier; Henry; Sokola; Sorenson; Still; Winslow; Reps. Brady; DiLiberto; B. Ennis; Hudson; Price, West.

A roll call vote was taken on **SENATE CONSENT CALENDAR #7** and revealed 20 Senators voting YES, 1(Still) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The House Concurrent Resolution was returned to the House and the Senate Concurrent Resolution was sent to the House for consideration.

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

Senator Blevins requested that **SB 131** be Stricken. No objection.

The Secretary announced the agenda for April 30, 2002.

On motion of Senator Adams, the Senate recessed at 04:54 PM until April 30, 2002 at 02:00 PM.

The Senate reconvened at 02:12 PM on April 30, 2002 with Senator Sharp presiding. The Secretary announced a message from the House informing the Senate that it had passed **HB 378 w/HA 1; SB 345; HB 322; SS 1 to SB 130 w/SA 1 & HA 1; HB 440; SB 288 w/SA 1; SJR 13.**

At 02:13 PM Lt. Governor Carney presiding.

At 02:13 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-fifth Legislative Day.

**25th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
APRIL 30, 2002**

The Senate convened at 02:14 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Winslow 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

Senator Sorenson marked present.

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

SB 326 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 326 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RESIDENTIAL HEALTH FACILITIES.

Senator Vaughn requested the privilege of the floor for Yrene E. Waldron, NHA representing Delaware Health Care Facility Assoc.

Sensors Still and Marshall questioned the witness.

Senator Still objected.

Several Senators continued to question the witness, after which the witness was excused.

Senator Vaughn requested the privilege of the floor for Paula Roy, representing Delaware Health Care Commission.

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

SA 1 to SB 326 was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 326** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1

SA 1 to SB 326 was declared part of the bill.

Senator(s) Blevins, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride and McDowell marked present during the above roll call.

SB 326 w/SA 1 was now before the Senate.

Senator Vaughn requested the privilege of the floor for Denise Kenney, representing Marriott Senior Living.

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

Senator Marshall requested two letters from Local UFCW #27 be read into the record. No objection. The communications are in file for this legislative day.

Senator Marshall requested the privilege of the floor Carol Ellis, representing the Div. of Long Term Care Residents Protection.

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

Senator Marshall requested the privilege of the floor for Priscella Rakestraw, representing herself.

Senator Sharp raised a point of order.

Several Senators continued to question the witness, after which the witness was excused.

Senator Vaughn moved to lay **SB 326 w/SA 1** on the Table. No objection.

Senator Steven Amick was removed as co-sponsor of **SB 326**.

Senator Liane Sorenson was removed as co-sponsor of **SB 326**.

Additions to the agenda, committee and other legislative meeting were announced. The Secretary announced the agenda for May 1, 2002. On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
4/30/02**

SA 1 to HB 111 - Sponsor: Sen. Sokola; Placed with the bill.

SB 353 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO A SAFE ROUTES TO SCHOOLS PROGRAM. Sponsor: Sen. Sokola; Valihura, Sens. Blevins, DeLuca, McBride, McDowell, Cloutier, & Winslow; Reps. DiPinto, D. Ennis, Hudson, Stone & B. Ennis; **Highways & Transportation**.

SB 354 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES AND PROVIDING FOR SPECIAL LICENSE PLATES FOR WORLD WAR II VETERANS. Sponsor: Sen. Marshall; Spence; **Judiciary**.

HB 378 w/HA 1 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO GENERAL PROVISIONS. Sponsor: Rep. Wagner; Sen. McDowell; Reps. Buckworth, D. Ennis, Ewing, Fallon, Quillen, Reynolds, Stone, Valihura; Executive.

HB 440 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO AUTHORIZED EMERGENCY VEHICLES. Sponsor: Rep. Maier; Blevins, Reps. Buckworth, Cathcart, Caulk, DiPinto, Quillen, Ulbrich; Sens. Henry, Sokola, Amick, Sorenson, Bonini, Cloutier, Connor, Still, Winslow; **Executive**.

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

Donald E. Gregory 569 Upper Pike Creek Road Newark, DE 19711	To be reappointed a member of the Tax Appeals Board to serve a term to expire 3 years from Senate confirmation. * * *
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On motion of Senator Adams, the Senate recessed at 05:55 PM until May 1, 2002 at 04:00 PM

The Senate reconvened at 04:12 PM on May 1, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 44; SCR 26; HB 300; HB 407; HB 151 w/HA 1 & HA 2; HB 465; SB 305**.

The following committee reports were announced:

From Corrections: **SB 349** - 3 Merits; **HB 412** - 3 Merits.

From Executive: **SB 350** - 6 Merits; **Donald E. Gregory** - 6 Merits.

At 04:15 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-sixth Legislative Day.

**26th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 01, 2002**

The Senate convened at 04:15 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

SB 303 was brought before the Senate for consideration on the motion of Senator Sharp.

SB 303 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DISSEMINATION OF CRIMINAL RECORD INFORMATION.

Senator(s) Henry and Amick questioned the sponsor, after which Senator Sharp requested the privilege of the floor for Steven Wood, representing the Attorney General's office.

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

SA 1 to SB 303 was brought before the Senate for consideration on the motion of Senator Winslow.

Senator Sharp commented.

Roll call vote on **SA 1 to SB 303** was taken and revealed:

YES: 10

NO: Senator(s) Adams, Blevins, Bunting, Cook, DeLuca, McBride, Sharp, Sokola, Vaughn, Venables - 11.

NOT VOTING: Senator(s) McDowell - 1.

The Lt. Governor cast a NO vote to break the tie, the roll call on SA 1 to SB 303 was then announced as 10 YES, 11 NO, 1 NOT VOTING, thus declared Defeated.

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

SB 303 was now before the Senate.

Roll call vote on **SB 303** was taken and revealed:

YES: 13

NO: Senator(s) Amick, Cloutier, Connor, Henry, McBride, McDowell, Sorenson, Winslow - 8.

SB 303 was declared passed the Senate as amended and sent to the House for Consideration.

HB 111 was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

HB 111 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING ANTIQUE AUTOMOBILES OR MOTOR VEHICLES REGISTERED ANTIQUE AND INSPECTION.

Senator Amick rose to informing the Senate that he had a conflict of interest and would not be voting.

SA 1 to HB 111 was brought before the Senate for consideration on the motion of Senator Sokola.

Senator Bonini commented.

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

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

Senator Sokola moved to lay **SA 1 to HB 111** on the Table. No objection.

Senator Henry moved to lay **HB 111** on the Table. No objection.

HB 401 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HB 401 - AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO MEDALS, DECORATIONS AND HONORS FOR ACTIVE MEMBERS OF THE DELAWARE NATIONAL GUARD AND RETIREMENT OF DELAWARE NATIONAL GUARD MEMBERS.

Senator Marshall requested that **SA 1 to HB 401** be Stricken. No objection.

SA 2 to HB 401 was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 2 to HB 401** was taken and revealed:

YES: 21

SA 2 to HB 401 was declared part of the bill.

HB 401 w/SA 2 was now before the Senate.

Roll call vote on **HB 401 w/SA 2** was taken and revealed:

YES: 21

HB 401 w/SA 2 was declared passed the Senate and sent to the House for Reconsideration.

SS 1 to SB 130 w/SA 1 & HA 2, which was returned from the House with an amendment was brought before the Senate for reconsideration on the motion of Senator Henry.

Senator(s) Connor and McBride commented.

Senator Henry requested the privilege of the floor for Andrea Summers, representing Delaware Office of Highway Safety.

The witness was excused after addressing the Senate.

Roll call vote on **SS 1 to SB 130 w/SA 1 & HA 2** was taken and revealed:

YES: 21

SS 1 to SB 130 w/SA 1 & HA 2 was declared passed the Senate and sent to the Governor.

HB 413 was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

HB 413 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES AND TRAFFICKING.

Senator Marshall requested the privilege of the floor for Capt. Sean Finerty, representing the City of Wilmington Police Department.

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

Senator Bonini requested to be added as a co-sponsor to **HB 413**.

Senator(s) McDowell and Henry commented.

Roll call vote on **HB 413** was taken and revealed:

YES: 21

HB 413 was declared passed the Senate and returned to the House.

SB 350 was brought before the Senate for consideration on the motion of Senator Adams.

SB 350 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE FRANCHISING PRACTICES.

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.

Additions to the agenda, committee and other legislative meetings.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
5/1/02**

SA 1 to SB 327 - Sponsor: Sen. Vaughn; Placed with the bill.

SA 2 to SB 326 - Sponsor: Sen. Winslow; Placed with the bill.

SB 355 - AN ACT TO AMEND TITLE 29, CHAPTER 80 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON SHELLFISHERIES. Sponsor: Sen. McBride; Quillen, Sens. Bunting, Venables, & Connor; Reps. Carey, Price & West; **Natural Resources & Environmental Control**.

SB 356 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING. Sponsor: Sen. Blevins; Ulbrich, Rep. Maier; **Health & Social Services**.

SB 357 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE TRANSPORTATION OF STUDENTS TO SPECIAL SCHOOLS. Sponsor: Sen. Venables; Sen. Bunting; Reps. Miro, B. Ennis, Price; **Small Business**.

SB 358 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE. Sponsor: Sen. Sorenson; Lavelle, Sens. Amick, Cloutier, Connor, Henry, McBride, Sharp, Simpson, Sokola, Still, Winslow; Reps. Boulden, Caulk, D. Ennis, Ewing, Fallon, Hudson, Smith, Spence, Ulbrich, Valihura; **Executive**.

SJR 14 - DIRECTING THE DEPARTMENT OF TRANSPORTATION TO IMMEDIATELY UNDERTAKE THE DESIGN AND PLANNING PHASES FOR THE CONSTRUCTION OF A NEW BRIDGE TO REPLACE THE EXISTING INDIAN RIVER INLET BRIDGE AND TO PREPARE A LONG TERM PLAN FOR THE PREVENTATIVE MAINTENANCE OF THE NEW BRIDGE. Sponsor: Sen. Bunting; Reps. Price, Schroeder; **Highways & Transportation**.

HB 151 w/HA 1, HA 2 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO INCREASING PENALTIES FOR VIOLATIONS OF LEAD-BASED PAINT HAZARD REGULATIONS. Sponsor: Rep. Maier; Blevins, Reps. D. Ennis, Ewing, Hudson, Lee, Valihura, Sens. Bonini, Cloutier, Henry, Sokola, Winslow; **Health & Social Services**.

HB 300 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STATE APPROPRIATIONS. Sponsor: Rep. Miro; Price & Sen. Sokola; **Judiciary**.

HB 407 - AN ACT TO AMEND TITLE 24, CHAPTER 7 OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC. Sponsor: Rep. Roy; Vaughn; **Judiciary**.

HB 465 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO FAIR SHARE FEES AND THE PUBLIC EMPLOYMENT RELATIONS ACT. Sponsor: Rep. Oberle; DeLuca; **Labor & Industrial Labor**.

* * *

The Secretary announced the agenda for May 2, 2002.

On motion of Senator Adams, the Senate recessed at 05:38 PM until May 2, 2002 at 02:00 PM.

The Senate reconvened at 02:17 PM on May 2, 2002 with Lt. Governor Carney presiding

A communication from Senators Amick and Sorenson to Bernard J. Brady, Secretary of the Senate was read into the record informing the Senate that their names were inadvertently listed as co-sponsors on **SB 326** and wanting the Senate record reflect **SB 326** without their names included, as they did not sign the original backer.

A withdrawal of sponsorship request from Representative Maier was read into the record requesting that her name be removed as co-sponsor of **SB 326**.

A communication from Senator Winslow to Bernard J. Brady, Secretary of the Senate was read into the record requesting to be added as co-sponsor on **HB 412**.

The following committee reports were announced:

From Highways and Transportation: **SB 339** - 6 Merits; **SB 353** - 6 Merits.

From Children, Youth and their Families - **SB 351** - 4 Merits.

At 02:19 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-seventh Legislative Day.

**27th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 02, 2002**

The Senate convened at 2:19 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, Cloutier, Connor, Cook, DeLuca, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 20.

ABSENT: Senator(s) Henry - 1

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

Senator Sorenson requested the personal privilege of the floor for the introduction of several Eagle Scouts that were visiting.

The witnesses were excused after addressing the Senate.

Senator Connor commented.

SCR 28 was introduced and brought before the Senate for consideration on the motion of Senator Sorenson.

**SCR 28 - COMMENDING THE 2001 EAGLE SCOUTS FOR HAVING
ATTAINED THE HIGHEST RANK ONE CAN EARN IN THE BOY SCOUTS OF
AMERICA**

Senator(s) DeLuca marked present.

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

YES: 20

ABSENT: Senator(s) Henry - 1.

Senator(s) Bonini, Bunting, Simpson, Sokola and Still marked present during the
above roll call.

Senator Marshall commented on **SB 326** and **SB 327** and the Eagle's Law.

SB 349 was brought before the Senate for consideration on the motion of Senator
Vaughn.

**SB 349 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE
RELATING TO PROCEEDINGS IN FORMA PAUPERIS.**

Senator McBride commented.

Roll call vote on **SB 349** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 349 was declared passed the Senate and sent to the House for Consideration.

HB 412 was brought before the Senate for consideration on the motion of the floor
manager, Senator Vaughn.

**HB 412 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO
CRIMINAL HISTORY BACKGROUND CHECKS.**

Several Senators commented.

Roll call vote on **HB 412** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Sharp - 1.

ABSENT: Senator(s) Henry - 1.

HB 412 was declared passed the Senate and returned to the House.

SB 351 was brought before the Senate for consideration on the motion of Senator
McDowell.

**SB 351 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE
RELATING TO THE OFFICE OF THE CHILD ADVOCATE.**

Roll call vote on **SB 351** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 351 was declared passed the Senate and sent to the House for Consideration.

At 02:53 PM on motion of Senator Adams, the Senate recessed for Party Caucus.

The Senate reconvened at 04:08 PM with Lt. Governor Carney presiding.

The following committee reports were announced:

From Education: **SB 298** - 4 Merits, **SB 291** - 4 Merits.

On motion of Senator Adams and without objection, the following nomination from
the Governor was considered.

Gregory, Donald E.: 18 Senator(s) voting YES, 3 (Bunting, Henry, Venables)

ABSENT. Appointment was declared CONFIRMED.

SB 321 was brought before the Senate for consideration on the motion of Senator
DeLuca.

**SB 321 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE
RELATING TO THE BOARD OF PROFESSIONAL COUNSELORS OF MENTAL
HEALTH.**

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

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 321 was declared passed the Senate and sent to the House for Consideration.

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

The Secretary announced the agenda for May 7, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
5/2/02**

SA 3 to SB 326 - Sponsor: Sen. Winslow; Placed with the bill.

SA 2 to HB 111 - Sponsor: Sen. Sokola; Placed with the bill.

SB 359 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES AND PROVIDING FOR SPECIAL LICENSE PLATES FOR WORLD WAR II VETERANS. Sponsor: Sen. Marshall; Spence; **Judiciary.**

SB 360 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsor: Sen. McBride; Thornburg, Sen. Winslow & Rep. Williams; **Finance.**

SB 361 - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW. Sponsor: Sen. Adams; Wagner, Rep. Valihura; **Judiciary.**

SB 362 - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. Sponsor: Sen. Adams; Wagner, Rep. Valihura; **Judiciary.**

SB 363 - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES. Sponsor: Sen. Adams; Wagner, Rep. Valihura; **Judiciary.**

SB 364 - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS. Sponsor: Sen. Adams; Wagner, Rep. Valihura; **Judiciary.**

SS 1 to SB 357 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE TRANSPORTATION OF STUDENTS TO SPECIAL SCHOOLS. Sponsor: Sen. Venables; **Small Business.**

* * *

On motion of Senator Adams, the Senate recessed at 04:19 PM until May 7, 2002 at 02:00 PM.

The Senate reconvened at 02:32 PM on May 7, 2002 with Lt. Governor Carney presiding.

Senator Henry marked present.

The Secretary announced a message from the House informing the Senate that it had passed **HB 482 w/HA 1 & 2; HB 474; HB 377 w/HA 2, 3, 4 & 5; HB 459; SB 99 w/HA 12 & 19.**

LEGISLATIVE ADVISORY # 29, 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 #29, dated May 3, 2002, the Governor signed the following legislation on the dates indicated:

SS #1 to SB #294 aab HA 1 (4/24/02) – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LICENSES. (Sponsors: Sen. DeLuca & Rep. Ulbrich; Sens. Blevins, Vaughn, Winslow; Reps. Ewing, Hudson, Keeley, Miro, Mulrooney, Roy, Smith, Van Sant, Viola) (Volume 73, Chapter 244, Laws of Delaware.)

HB #458 (4/25/02) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMMUNITY NOTIFICATION OF SEX OFFENDER AND TO EXTEND THE LIFE OF THE COMMUNITY NOTIFICATION TASK FORCE. (Sponsors: Rep. Schroeder & Sen. Sokola) (Volume 73, Chapter 245, Laws of Delaware.)

SB #297 (4/29/02) – AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, THE CHARTER OF THE CITY OF REHOBOTH BEACH AS

AMENDED, WITH REGARD TO THE AWARDING OF CONTRACTS AND THE REQUIREMENT FOR COMPETITIVE BIDDING IN RELATION THERETO.

(Sponsors: Sen. Bunting & Rep. Schroeder) (Volume 73, Chapter 246, Laws of Delaware.)

SB #316 (4/29/02) – AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. (Sponsors: Sen. Adams & Rep. Stone; Sens. Sharp, Sokola, Sorenson; Reps. Carey, D. Ennis, Fallon, Hudson, Valihura, Houghton, Keeley) (Volume 73, Chapter 247, Laws of Delaware.)

HB #420 aab HA 1 (4/29/02) – AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN KENT COUNTY KNOWN AS THE MCLANE READINESS CENTER. (Sponsors: Rep. B. Ennis; Reps. Buckworth, Caulk, Ewing, Quillen, Stone, Thornburg, Wagner; Sens. Cook, Vaughn) (Volume 73, Chapter 248, Laws of Delaware.)

HB #386 (4/29/02) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF LAW ENFORCEMENT OFFICER. (Sponsors: Rep. Williams; Reps. Brady, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, Gilligan, Houghton, Hudson, Keeley, Mulrooney, Oberle, Plant, Price, Reynolds, Valihura, Van Sant, West; Sen. Henry) (Volume 73, Chapter 249, Laws of Delaware.)

HB #343 (4/29/02) – AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. (Sponsors: Rep. DiLiberto; Rep. Ewing; Sens. Henry, Amick) (Volume 73, Chapter 250, Laws of Delaware.)

HJR #24 (4/29/02) – RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE. (Sponsors: Rep. Maier & On behalf of all Representatives and Sen. Blevins, On behalf of all Senators)

SB #345 (5/3/02) – AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS AND THE CHANGE OF PARTY DESIGNATION. (Sponsors: Sen. Sharp & Rep. Spence; Sen. Amick; Rep. Gilligan) (Volume 73, Chapter 251, Laws of Delaware.)

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At 02:40 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-eighth Legislative Day.

**28th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 07, 2002**

The Senate convened at 2:40 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

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

SB 248 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CREATING A CRIME VICTIMS' OMBUDSMAN OFFICE AND AMENDING THE VICTIMS BILL OF RIGHTS.

Senator Blevins requested that **SA 1 to SB 248** be Stricken. No objection.

SA 2 to SB 248 was introduced and brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 2 to SB 248** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bonini, McBride - 2.

SA 2 to SB 248 was declared part of the bill.

Senator Marshall marked present during the above roll call.

SB 248 w/SA 2 was now before the Senate.

Senator Blevins requested the privilege of the floor for Diane Glenn, representing Delaware Victims Rights Task Force.

Several Senators questioned the witness, after which the witness was excused. Senator Simpson commented.

Senator Sorenson requested to be added as co-sponsors to the **SB 248 w/SA 2**.

Senator Blevins moved to lay **SB 248 w/SA 2** on the Table. No objection.

Senator Adams moved to recess for Party Caucus at 03:25 PM.

The Senate reconvened at 04:39 PM with Lt. Governor Carney presiding.

A communication from Senator Liane McD. Sorenson to Bernard J. Brady, Secretary of the Senate was read into the record requesting the **SB 66** be Stricken.

SB 248 w/SA 2 was Lifted from the Table and brought before the Senate for consideration on motion of Senator Blevins.

SA 3 to SB 248 was introduced and brought before the Senate for consideration on the motion of Senator Sharp.

Senator Winslow commented.

Roll call vote on **SA 3 to SB 248** was taken and revealed:

YES: 20

NO: Senator(s) Winslow - 1.

SA 3 to SB 248 was declared part of the bill.

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

SB 248 w/SA 2 & SA 3 was now before the Senate.

Roll call vote on **SB 248 w/SA 2 & SA 3** was taken and revealed:

YES: 17

NO: Senator(s) Vaughn, Winslow - 2.

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

SB 248 w/SA 2 & SA 3 was declared passed the Senate as amended and sent to the House for Consideration.

HB 459 was Lifted from Table and brought before the Senate for consideration under the suspension of the necessary rules on motion of the floor manager, Senator Bunting.

HB 459 - 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.

Several Senators commented.

Senator Bunting moved to lay **HB 459** on the Table. No objection.

SB 339 was brought before the Senate for consideration on the motion of Senator DeLuca.

SB 339 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SALE OF ABANDONED PROPERTY.

Roll call vote on **SB 339** was taken and revealed:

YES: 21.

SB 339 was declared passed the Senate and sent to the House for Consideration.

SB 353 was brought before the Senate for consideration on the motion of Senator Sokola.

SB 353 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO A SAFE ROUTES TO SCHOOLS PROGRAM.

Senator McDowell commented.

Roll call vote on **SB 353** was taken and revealed:

YES: 21

SB 353 was declared passed the Senate and sent to the House for Consideration.

SB 298 was brought before the Senate for consideration on the motion of Senator Simpson.

SB 298 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

SA 1 to SB 298 was brought before the Senate for consideration on the motion of Senator Simpson.

Senator(s) Bonini, Sokola and Vaughn commented.

Roll call vote on **SA 1 to SB 298** was taken and revealed:

YES: 18

NO: Senator(s) Amick, Bonini, Sorenson - 3.

SA 1 to SB 298 was declared part of the bill.

SB 298 w/SA 1 was now before the Senate.

Roll call vote on **SB 298 w/SA 1** was taken and revealed:

YES: 18

NO: Senator(s) Amick, Bonini, Sorenson - 3.

SB 298 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 291 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 291 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

Senator Simpson requested that **SA 1 to SB 291** be Stricken. No objection.

SA 2 to SB 291 was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested the privilege of the floor for Jennifer Davis, representing the Department of Education.

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

Roll call vote on **SA 2 to SB 291** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, Henry, Marshall, Venables - 4.

SA 2 to SB 291 was declared part of the bill.

Senator Vaughn requested that **SA 3 to SB 291** be Stricken. No objection.

SA 4 to SB 291 was brought before the Senate for consideration on the motion of Senator Still.

Roll call vote on **SA 4 to SB 291** was taken and revealed:

YES: 9

NO: Senator(s) Adams, Blevins, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Vaughn - 12.

SA 4 to SB 291 was Defeated.

SB 291 w/SA 2 was now before the Senate.

Roll call vote on **SB 291 w/SA 2** was taken and revealed:

YES: 19

NO: Senator(s) Bonini - 1.

NOT VOTING: Senator(s) Sorenson - 1.

SB 291 w/SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

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

The Secretary announced the agenda for May 8, 2002.

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

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

5/7/02

SA 1 to SB 358 - Sponsor: Sen. Sorenson; Placed with the bill.

SB 365 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO GUARDIANSHIP OF A CHILD IN FAMILY COURT. Sponsor: Sen. Blevins; McDowell, Rep. Wagner, & Rep. Buckworth; **Health & Social Services**.

SB 366 - AN ACT TO AMEND TITLE 16 RELATING TO MINIMUM STAFFING FOR NURSING HOME FACILITIES AND TRAINING FOR CERTIFIED NURSING ASSISTANTS. Sponsor: Sen. Vaughn; Simpson, Rep. DiPinto; Sens. Adams, Amick; Reps. Maier & B. Ennis; **LOT**.

SB 367 - AN ACT TO AMEND TITLE 16 RELATING TO MINIMUM STAFFING FOR NURSING HOME FACILITIES AND TRAINING FOR CERTIFIED NURSING ASSISTANTS. Sponsor: Sen. Marshall; Vaughn, Sens. Adams, Blevins, Amick & Simpson; Rep. Maier, DiPinto & B. Ennis; **LOT**.

SB 368 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MINIMUM STAFFING FOR NURSING HOME FACILITIES AND TRAINING FOR CERTIFIED NURSING ASSISTANTS. Sponsor: **Sen. Marshall**; Sens. Blevins, Amick & Simpson; Reps. Maier, DiPinto & B. Ennis; **LOT**.

SB 369 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO IMPLEMENTATION OF SKILLS/KNOWLEDGE SUPPLEMENTS AND PAYMENT OF STIPENDS. Sponsor: Sen. Cook; Oberle, Sens. Vaughn, Sokola, Blevins, Henry, Winslow, Bonini, Simpson, Reps. DiPinto, Reynolds, Fallon, Stone, Brady, Schroeder, West; **Finance**.

HB 459 - 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. Sponsor: Rep. Fallon; Reps. Ewing, West; Sen. Bunting; **LOT**.

HB 445 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, PERTAINING TO A REPORT OF THE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION. Sponsor: Rep. Maier; Marshall; **Health & Social Services**.

HB 474 - 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", TO STRIKE A REFERENCE THAT THE TOWN MANAGER IS SELECTED ON A ONE YEAR BASIS. Sponsor: Rep. West; Bunting;

Community/County Affairs.

HB 482 w/HA 1, HA 2 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE PERTAINING TO CEMETERIES. Sponsor: Rep. Smith; Sens. McDowell, Cloutier, Reps. Buckworth, Brady, Keeley, Plant, Scott, Williams; **LOT**.

HS 1 TO HB 377 w/HA 2, HA 3, HA 4, HA 5 - AN ACT TO AMEND TITLES 16 AND 20 OF THE DELAWARE CODE RELATING TO EMERGENCIES AND PUBLIC HEALTH. Sponsor: Rep. Maier; Blevins & Rep. Spence; Reps. Buckworth, Ewing, Hudson, Ulbrich, Valihura, Keeley; Sens. Adams, McDowell, Henry, Marshall, McBride, Sokola, Vaughn, Amick, Sorenson, Cloutier, Connor, Simpson, Still, Winslow; **Health & Social Services**.

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

Helen M. Dudlek 141 Warfel Drive PO Box 4017 Delaware City, DE 19706	To be reappointed a member of the New Castle County Board of Elections to serve a term to expire 4 years from Senate confirmation.
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On motion of Senator Adams, the Senate recessed at 06:19 PM until May 8, 2002 at 3:30 PM.

The Senate reconvened at 03:33 PM on May 8, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 445; HCR 45; SB 231 w/HA 1; SB 332; HCR 46; SCR 28**.

The following committee reports were announced:

From Highways and Transportation: **SB 324** - 5 Merits.

From Small Business: **SB 344** - 3 Merits; **SS 1 to SB 357** - 3 Merits.

At 03:35 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Twenty-ninth Legislative Day.

**29th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 08, 2002**

The Senate convened at 03:35 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

SB 368 was Lifted from Table and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Marshall.

SA 1 to SB 368 was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to SB 368** was taken and revealed:

YES: 19

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

SA 1 to SB 368 was declared part of the bill.

Senator(s) Bunting, Connor, McBride, Simpson and Venables marked present during the above roll call.

SB 368 w/SA 1 was now before the Senate.

Senator Marshall read into the record a statement regarding nursing homes.

Roll call vote on **SB 368 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

SB 368 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

Senator Vaughn requested that **SB 326 w/SA 1** be Stricken. No objection.

Senator Vaughn requested that **SB 327** be Stricken. No objection.

HB 459 was Lifted from Table and brought before the Senate for consideration on motion of the floor manager Senator Bunting.

SA 1 to HB 459 was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to HB 459** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

SA 1 to HB 459 was declared part of the bill.

HB 459 w/SA 1 was now before the Senate.

Roll call vote on **HB 459 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

HB 459 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

HB 111 was Lifted from Table and brought before the Senate for consideration on motion of the floor manager, Senator Henry.

SA 2 to HB 111 was brought before the Senate for consideration on the motion of Senator Sokola.

Senator Sokola requested the privilege of the floor for Ronald Guliana, representing the Division of Motor Vehicle.

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

Roll call vote on **SA 2 to HB 111** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Amick - 1.

ABSENT: Senator(s) Bonini - 1.

SA 2 to HB 111 was declared part of the bill.

Senator Sokola requested that **SA 1 to HB 111** be Stricken. No objection.

Senator Henry requested the privilege of the floor for Ronald Guliana, representing the Division of Motor Vehicle.

The witness was excused after addressing the Senate.

HB 111 w/SA 2 was now before the Senate.

Roll call vote on **HB 111 w/SA 2** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Amick - 1.

ABSENT: Senator(s) Bonini - 1.

HB 111 w/SA 2 was declared passed the Senate and sent to the House for Reconsideration.

HCR 45 was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HCR 45 - COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION'S SCHOLARS OF 2002. Sponsor: Rep. Reynolds & Sen. Sokola; On behalf of all Representatives, On behalf of all Senators.

Roll call vote on **HCR 45** was taken and revealed:

YES: 21

Senator Bonini marked present during the above roll call.

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

The Secretary announced the agenda for May 9, 2002.

On motion of Senator Adams, the Senate recessed at 04:17 PM until May 9, 2002 at 02:00 PM.

The Senate reconvened at 03:14 PM on May 9, 2002 with Lt. Governor Carney presiding.

At 03:15 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirtieth Legislative Day.

**30th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 09, 2002**

The Senate convened at 3:13 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

No objections.

Senator Adams requested the privilege of the floor for Alan Sokolow, Director of Council of State Governments, Eastern Regional Conference.

The witness was excused after addressing the Senate.

SS 2 to SB 357 was Adopted in Lieu of the Original and brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Venables.

SS 2 to SB 357 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE TRANSPORTATION OF STUDENTS TO SPECIAL SCHOOLS. Sponsor: Sen. Venables.

Senator Venables requested the privilege of the floor for Rudy Beitzel and his son, Brian, representing the Lower Delaware Autism Foundation.

The witnesses were excused after addressing the Senate.

Senator Venables requested the privilege of the floor for John Willey, representing Sussex Parent Advisory Committee for Delaware Autism Program.

The witness was excused after addressing the Senate.

Two letters were entered into the record.

Senator(s) Cook and Bonini commented.

Senator Vaughn requested the privilege of the floor for Jennifer Davis, representing the Department of Education.

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

Senator Sharp commented.

Senator Venables moved to lay **SS 2 to SB 357** on the Table. No objection.

HB 218 was brought before the Senate for consideration on the motion of Senator Sokola.

HB 218 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BOARDS OF REORGANIZED SCHOOL DISTRICTS.

Roll call vote on **HB 218** was taken and revealed:

YES: 18

ABSENT: Senator(s) Henry, McDowell, Still - 3.

HB 218 was declared passed the Senate and returned to the House.

Senator(s) Bunting, DeLuca, McBride, Simpson and Sokola marked present during the above roll call.

Senator Adams moved to recess for Party Caucus at 03:55 PM.

The Senate convened at 04:42 PM with Senator Sharp presiding.

SENATE CONSENT CALENDAR #8 was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

HCRR 44 - RESPECTING AND HONORING ALL DELAWARE MOTHERS ON MAY 12, 2002, MOTHER'S DAY. Sponsor: Rep. Spence & Rep. Smith & Rep. Lee, On behalf of all Representatives & Sen. Sharp & Sen. Adams & Sen. Marshall, On behalf of all Senators.

HCRR 46 - RECOGNIZING THE VITAL ROLE THAT CERTIFIED NURSING ASSISTANTS PLAY IN PROVIDING HEALTH CARE SERVICES, AND ENCOURAGING EMPLOYERS TO RECRUIT, RETAIN AND REWARD CERTIFIED NURSING ASSISTANTS FOR THEIR QUALITY CARE. Sponsor: Rep. Maier; On behalf of all Representatives & Sen. Marshall, On behalf of all Senators.

A roll call vote was taken on **SENATE CONSENT CALENDAR #8** and revealed 11 Senators voting YES, 10 (Amick, Bonini, Cloutier, Connor, Henry, McDowell, Simpson, Sorenson, Still, Winslow) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The House Concurrent Resolutions were returned to the House

Lt. Governor Carney presiding at 04:44 PM.

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

Senator Marshall rose to announce that Senator Cook was going to celebrate the anniversary of her birth over the weekend.

The Secretary announced the agenda for May 14, 2002.

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

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

5/9/02

SA 1 to SS 1 to SB 273 - Sponsor: Sen. Connor; Placed with the bill.

SA 2 to SB 295 - Sponsor: Sen. Marshall; Winslow; Placed with the bill.

SB 372 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATED TO HEALTH AND SAFETY IN ORDER TO IMPLEMENT RECOMMENDATIONS OF THE TASK FORCE ON CANCER INCIDENCE AND MORTALITY AND IMPROVE THE QUALITY OF CANCER REGISTRY REPORTING. Sponsor: Sen. McBride; Ulbrich, Sen. Sorenson, & Rep. Schroeder; **Health & Social Services**.

* * *

On motion of Senator Adams, the Senate recessed at 04:49 PM until May 14, 2002 at 02:00 PM.

The Senate reconvened at 02:16 PM on May 14, 2002 with Lt. Governor Carney presiding.

A communication from Senator George Bunting to Bernard J. Brady, Secretary of the Senate was read requesting that his name be removed as a co-sponsor of **HB 489**.

Senator(s) Still, McDowell and Henry marked present.

The Secretary announced a message from the House informing the Senate that it had passed **HB 322; HB 460 w/HA 1; HS 1 to HB 385; HB 462; SB 268 w/SA 1**.

The following committee reports were announced:

From Administrative Services: **SB 243** - 3 Merits; **HB 234** - 3 Merits; **HB 273** - 3 Merits.

From Natural Resources: **SB 355** - 4 Merits.

From Executive: **HB 395** - 5 Merits.

From Insurance and Elections: **SB 338** - 3 Merits; **SB 341** - 3 Merits; **SB 342** - 3 Merits.

From Corrections: **HB 366** - 3 Merits.

From Finance: **SB 369** - 4 Merits.

From Judiciary: **SB 362** - 4 Merits; **SB 364** - 4 Merits; **SB 363** - 4 Merits; **SB 361** - 4 Merits.

LEGISLATIVE ADVISORY #30, 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 #30, dated May 14, 2002, the Governor signed the following legislation on the dates indicated:

HB #412 (5/9/02) – AN ACT TO AMEND THE DELAWARE CODE RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS. (Sponsors: Rep. B. Ennis & Sen. Vaughn; Reps. Brady, Ewing, Houghton, Lee, Oberle, Spence, Van Sant, Wagner, Williams) (Volume 73, Chapter 252, Laws of Delaware.)

HB #413 (5/9/02) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES AND TRAFFICKING. (Sponsors: Rep. Keeley; Reps. DiPinto, Scott; Sens. Marshall, McDowell) (Volume 73, Chapter 253, Laws of Delaware.)

SS #1 to SB #130 aab SA 1 & HA 2 (5/9/02) – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD RESTRAINT IN MOTOR VEHICLES. (Sponsors: Sen. Henry & Rep. Lavelle) (Volume 73, Chapter 254, Laws of Delaware.)

SB #288 aab SA 1 (5/9/02) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISTIC THREATENING AND FALSE REPORTS. (Sponsors: Sen. Blevins & Rep. Lee; Sens. Adams, Amick, Bonini, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow; Reps. Buckworth, Cathcart, Caulk, DiLiberto, DiPinto, D. Ennis, Ewing, Fallon, Keeley, Lavelle, Lofink, Maier, Price, Smith, Spence, Valihura, Van Sant, West) (Volume 73, Chapter 255, Laws of Delaware.)

SB #305 (5/9/02) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH PLANNING AND RESOURCES MANAGEMENT. (Sponsors: Sen. Blevins & Rep. Maier) (Volume 73, Chapter 256, Laws of Delaware.)

SB #322 (5/9/02) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LEVEL II STUDENTS AND PROMOTION TO THE NEXT GRADE. (Sponsors: Sen. Sokola & Sen. Simpson & Rep. Reynolds & Schroeder & Rep. Ulbrich; Sens. Cook, DeLuca; Reps. Fallon, Maier, Miro, Wagner) (Volume 73, Chapter 257, Laws of Delaware.)

SJR #13 (5/9/02) – SUPPORTING ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS. (Sponsors: Sen. Sharp & Rep. Spence; Sen. Adams)

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At 02:22 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-first Legislative Day.

**31st LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 14, 2002**

The Senate convened at 02:22 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

SB 99 w/SA 1, SA 4 & HA 12 & HA 19, which was returned from the House with amendments was brought before the Senate for consideration on the motion of Senator McBride.

SB 99 w/SA 1, SA 4 & HA 12 & HA 19 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT.

Several Senators commented.

Senator McBride requested the privilege of the floor for Francis Murphy, Senate Attorney.

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

SA 7 to SB 99 was brought before the Senate for consideration on motion of Senator Vaughn.

Senator Vaughn requested the privilege of the floor for Denis McGlynn, representing Dover Downs Inc.

Senator(s) Adams and Sharp questioned the witness, after which the witness was excused.

Senator Venables requested the privilege of the floor for William Glenn, representing Castaways Lounge, Memories Lounge, Woodshed Lounge, Dugout Lounge and Jeff's Taproom.

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

Senator Vaughn requested the privilege of the floor for David Singleton, Secretary of Finance.

Senator(s) Amick and Winslow marked present.

Several Senator(s) questioned the witness, after which the witness was excused.

Senator Vaughn moved to lay SA 7 to SB 99 on the Table. No objection.

SA 8 to SB 99 was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on SA 8 to SB 99 was taken and revealed:

YES: 6

NO: Senator(s) Amick, Blevins, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, Sharp, Simpson, Sokola, Sorenson, Winslow - 14.

NOT VOTING: Senator(s) McDowell - 1.

SA 8 to SB 99 was Defeated.

Senator Blevins marked present during the above roll call.

SA 9 to SB 99 was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn moved to lay SA 9 to SB 99 on the Table.

Senator Bonini moved to lay SA 10 to SB 99 on the Table.

Senator Venables requested the privilege of the floor for Russell Larson, Controller General.

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

Senator Bonini requested that SA 10 to SB 99 be Lifted from the Table and brought before the Senate for consideration.

Roll call vote on SA 10 to SB 99 was taken and revealed:

YES: 7

NO: Senator(s) Amick, Blevins, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, Sharp, Sokola, Sorenson, Winslow - 13.

NOT VOTING: Senator(s) McDowell - 1.

SA 10 to SB 99 was Defeated.

Senator Vaughn requested that SA 7 to SB 99 be Lifted from the Table and brought before the Senate for consideration.

SA 1 to SA 7 to SB 99 was introduced and brought before the Senate for consideration on the motion of Senator Simpson.

SA 2 to SA 7 to SB 99 was introduced brought before the Senate for consideration on the motion of Senator Amick.

Roll call vote on SA 2 to SA 7 to SB 99 was taken and revealed:

YES: 1

NO: Senator(s) Adams, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 20.

SA 2 to SA 7 to SB 99 was Defeated.

Roll call vote on SA 7 to SB 99 was taken and revealed:

YES: 7

NO: Senator(s) Amick, Blevins, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, Sharp, Sokola, Sorenson, Winslow - 14.

SA 7 to SB 99 was Defeated.

SB 99 w/SA 1, SA 4, HA 12 & HA 19 was now before the Senate.

Senator(s) Bonini and Venables commented.

Roll call vote on **SB 99 w/SA 1, SA 4, HA 12 & HA 19** was taken and revealed:

YES: 18

NO: Senator(s) Bonini, Vaughn, Venables - 3.

SB 99 w/SA 1, SA 4, HA 12 & HA 19 was declared passed the Senate as amended and sent to the House for Consideration.

SB 242 was brought before the Senate for consideration on the motion of Senator McBride.

SB 242 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BID BONDING REQUIREMENTS.

Senator Henry commented.

Senator McBride requested the privilege of the floor for John Casey, representing Delaware Contractors Assoc.

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

Roll call vote on **SB 242** was taken and revealed:

YES: 21

SB 242 was declared passed the Senate and sent to the House for Consideration.

SB 355 was brought before the Senate for consideration on the motion of Senator McBride.

SB 355 - AN ACT TO AMEND TITLE 29, CHAPTER 80 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON SHELLFISHERIES.

SA 1 to SB 355 was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on **SA 1 to SB 355** was taken and revealed:

YES: 21

SA 1 to SB 355 was declared part of the bill.

SB 355 w/SA 1 was now before the Senate.

Roll call vote on **SB 355 w/SA 1** was taken and revealed:

YES: 21.

SB 355 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

HB 395 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HB 395 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE SYMBOLS.

SA 1 to HB 395 was brought before the Senate for consideration on the motion of Senator Cloutier.

Roll call vote on **SA 1 to HB 395** was taken and revealed:

YES: 21

SA 1 to HB 395 was declared part of the bill.

HB 395 w/SA 1 was now before the Senate.

Roll call vote on **HB 395 w/SA 1** was taken and revealed:

YES: 21

HB 395 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

HB 234 was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

HB 234 - AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO THE AUTISTIC MONITORING REVIEW BOARD.

Senator Amick questioned the floor manager, after which Senator Cook requested the privilege of the floor for Cynthia DiPinto, representing the Governor's office.

The witness was excused after addressing the Senate.

Senator Winslow commented.

Roll call vote on **HB 234** was taken and revealed:

YES: 21

HB 234 was declared passed the Senate and returned to the House.

HB 273 was brought before the Senate for consideration on the motion of the floor manager, Senator Cook

HB 273 - AN ACT TO AMEND VOLUME 63, LAWS OF DELAWARE, CHAPTER 135, RELATING TO THE TITLE OF PROPERTY KNOWN AS 1300 WEST SEVENTH STREET, WILMINGTON, DELAWARE.

Senator(s) Simpson and McDowell commented.

Roll call vote on **HB 273** was taken and revealed:

YES: 21

HB 273 was declared passed the Senate and returned to the House.

SB 338 was brought before the Senate for consideration on the motion of Senator Cook.

SB 338 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INVESTMENT IN STOCK OF SUBSIDIARIES.

Senator Cook requested the privilege of the floor for Francis J. (Mike) O'Neill, Jr., representing American Coalition of Life Insurers.

The witness was excused after addressing the Senate.

Roll call vote on **SB 338** was taken and revealed:

YES: 21

SB 338 was declared passed the Senate and sent to the House for Consideration.

SB 342 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 342 - AN ACT TO AMEND CHAPTER 275, VOLUME 71, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE.

Senator(s) Bonini and McDowell requested to be added as co-sponsors to **SB 342**.

Roll call vote on **SB 342** was taken and revealed:

YES: 21

SB 342 was declared passed the Senate and sent to the House for Consideration.

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

The Secretary announced the agenda for May 15, 2002.

On motion of Senator Adams the Senate recessed at 05:13 PM until May 15, 2002 at 04:00 PM.

The Senate reconvened at 04:14 PM on May 15, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 47; HCR 48; HB 448; HB 446 w/HA 1; HB 477; HB 476; HB 492; SB 328 w/SA 1; SB 239 w/SA 1, HA 1 & HA 2; HB 492**.

A communication from Senator Nancy W. Cook to the Secretary of the Senate, Bernard J. Brady was read requesting her name be added as a co-sponsor of **HB 395**.

The following committee reports were announced:

From Health and Social Services: **SB 356** - 4 Merits; **HB 151** - 4 Merits; **HB 278** - 4 Merits.

From Executive: **SB 371** - 5 Merits.

At 04:17 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-second Legislative Day.

**32nd LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 15, 2002**

The Senate convened at 04:17 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Winslow 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

No objections.

Senator(s) Venables, Bonini and Blevins marked present.

SB 341 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 341 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE AND CHAPTER 96, VOLUME 73, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE.

SA 1 to SB 341 was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Venables questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Michael Rich, Deputy Attorney General, representing Department of Insurance.

The witness was excused after addressing the Senate.

Senator Blevins moved to Lay **SA 1 to SB 341** on the Table. No objection.

SA 2 to SB 341 was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 2 to SB 341** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

SA 2 to SB 341 was declared part of the bill.

Senator(s) Amick, Connor, McBride and McDowell marked present during the above roll call.

SB 341 w/SA 2 was now before the Senate.

Senator Still commented.

Roll call vote on **SB 341 w/SA 2** was taken and revealed:

YES: 19

NO: Senator(s) Still - 1.

ABSENT: Senator(s) Sharp - 1.

SB 341 w/SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

HB 263 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HB 263 w/HA 1 - AN ACT TO AMEND TITLES 18 AND 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION INSURANCE.

Roll call vote on **HB 263 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

HB 263 w/HA 1 was declared passed the Senate and returned to the House.

SB 356 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 356 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.

Senator McBride commented.

Roll call vote on **SB 356** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

SB 356 was declared passed the Senate and sent to the House for Consideration.

HB 151 w/HA 1 & HA 2 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HB 151 w/HA 1 & HA 2 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO INCREASING PENALTIES FOR VIOLATIONS OF LEAD-BASED PAINT HAZARD REGULATIONS.

Senator Bonini questioned the floor manager, after which Senator Blevins requested the privilege of the floor for Kevin Charles, representing the Department Health & Social Service, Div. of Public Health.

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

Roll call vote on **HB 151 w/HA 1 & HA 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

HB 151 w/HA 1 & HA 2 was declared passed the Senate and returned to the House.

On motion of Senator Adams, and without objection the following nomination by the Governor was considered.

Gray, Harold: 20 Senator(s) voting YES, 1 (Sharp) ABSENT. Appointment was declared CONFIRMED.

SB 324 was brought before the Senate for consideration on the motion of Senator Cloutier.

SB 324 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO TRANSPORTATION CONSTRUCTION PROJECTS REQUIRING LANDSCAPING AND REFORESTATION ACTIVITIES.

Senator Cloutier requested the privilege of the floor for Secretary Nathan Hayward, III, of the Department of Transportation.

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

Roll call vote on **SB 324** was taken and revealed:

YES: 21

SB 324 was declared passed the Senate and sent to the House for Consideration.

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

The Secretary announced the agenda for May 16, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
5/15/02**

SB 373 - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO CLARIFY QUALIFICATIONS OF COMMISSIONERS AND MAYOR. Sponsor: Sen. Bunting; Schroeder; **Community/County Affairs.**

SB 374 - AN ACT TO AMEND TITLE 11 RELATING TO DELAWARE STATE POLICE. Sponsor: Sen. Adams; Lee, Sen. Henry & Rep. Ewing; **Public Safety.**

SB 375 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

Sponsor: Sen. McBride; Spence, Reps. Maier, Ulbrich; **Agriculture.**

HB 322 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PSYCHOLOGISTS. Sponsor: Rep. Ulbrich; DeLuca, Reps. Maier, Keeley, Price; Sens. Henry, Venables, Winslow; **Sunset.**

HB 446 w/HA 1 - AN ACT TO AMEND TITLE 21 RELATING TO REGISTRATION AND CONTROL OF OFF-HIGHWAY VEHICLES. Sponsor: Rep. Oberle; DeLuca; **Highways & Transportation.**

HB 448 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICIAL STATE MARINE ANIMAL. Sponsor: Rep. Schroeder; Bunting, Reps. B. Ennis, Gilligan, Price, Quillen, Wagner, West; Sens. Blevins, DeLuca, Simpson; **Executive.**

HB 460 w/HA 1 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY, CHAPTER 268, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, BY CLARIFYING VOTING QUALIFICATIONS, PROHIBITING MEMBERS OF COUNCIL FROM BEING EMPLOYED BY THE TOWN, CLARIFYING THE POWERS OF THE MAYOR, AUTHORIZING THE TOWN COUNCIL TO ESTABLISH CODE OF CONDUCT, CONTRACT, AND COMPETITIVE BIDDING PROVISIONS BY ORDINANCE, CLARIFYING FORFEITURE OF OFFICE PROVISIONS, AUTHORIZING REMOTE ELECTRONIC ACCESS MEETING PARTICIPATION BY COUNCIL MEMBERS, EXPANDING THE TOWN'S ABILITY TO CREATE LIENS AND TO COLLECT COSTS AND ATTORNEY'S FEES, EXPANDING THE JURISDICTION OF THE TOWN POLICE AND ALDERMAN, AUTHORIZING THE TOWN TO ADOPT SUBDIVISION REGULATION, IMPOSE IMPACT FEES AND TO COLLECT A "VOLUNTARY ASSESSMENT" FROM VIOLATORS IN LIEU OF REQUIRING A COURT APPEARANCE. Sponsor: Rep. Price; Bunting; **Community/County Affairs.**

HB 462 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRACTICE OF PHARMACY. Sponsor: Rep. Oberle; Blevins, Rep. Maier; **Sunset.**

HB 476 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REFLECTIVE MATERIAL ON LARGE TRASH CONTAINERS LOCATED ON HIGHWAYS. Sponsor: Rep. Lavelle; Sorenson, Reps. Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Keeley, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Smith, Thornburg, Valihura, Viola; **Highways & Transportation.**

HB 477 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION. Sponsor: Rep. Stone; Cook; **Insurance & Elections**.

HB 492 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION OF PUBLIC UTILITIES. Sponsor: Rep. Roy; Hudson & Sen. Marshall & Sen. McBride; **Revenue & Taxation**.

HS 1 to HB 385 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE SURVIVORS' ELIGIBILITY FOR PENSION BENEFITS. Sponsor: Rep. Oberle; Ewing & Rep. Gilligan & Rep. Van Sant & Rep. B. Ennis & Sen. Adams, & Sen. Winslow; **Judiciary**.

* * *

On motion of Senator Adams, the Senate recessed at 05:11 PM until May 16, 2002 at 02:00 PM.

The Senate reconvened at 02:12 PM on May 16, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Judiciary: **SB 346** - 3 Merits, 1 Unfavorable.

From Executive: **Helen M. Dudlek** - 6 Merits.

At 02:15 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-third Legislative Day.

**33rd LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
MAY 16, 2002**

The Senate convened at 02:14 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Sharp requested the privilege of the floor to introduce Tom Gordon, County Executive and members of the Building Trade Council, which were seated in the chamber.

SB 343 was brought before the Senate for consideration on the motion of Senator Marshall.

SB 343 - AN ACT TO AMEND SECTION 6960, CHAPTER 69, TITLE 29, DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS AND PREVAILING WAGE RATES.

Several Senators questioned the sponsor, after which Senator Marshall requested the privilege of the floor for William McCloskey, representing the Delaware Building Trades Council.

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

Senator McDowell marked present.

Senator Sharp raised a point of order.

The witness was excused.

Senator Sharp commented.

Senator Bonini raised a point of order.

Senator Sorenson commented.

Roll call vote on **SB 343** was taken and revealed:

YES: 15

NO: Senator(s) Bonini, Cloutier, Simpson, Sorenson, Venables, Winslow - 6.

SB 343 was declared passed the Senate and sent to the House for Consideration.

Senator(s) Blevins, Cloutier, Connor and Cook marked present during above roll call.

Senator Cloutier requested the privilege of the floor to introduce Delaware's Jr. Miss, Molly Kathleen Sturgell and her family, which were seated in the chamber.

Senator Cloutier presented a tribute to Miss Sturgell, after which she was excused.

SB 361 was brought before the Senate for consideration on the motion of Senator Adams.

SB 361 - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW.

Senator Adams requested the privilege of the floor for John H. Small, representing Delaware State Bar Association.

Senator(s) McDowell and Sokola questioned the witness, after which the witness was excused.

Roll call vote on **SB 361** was taken and revealed:

YES: 19

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

SB 361 was declared passed the Senate and sent to the House for Consideration.

SB 362 was brought before the Senate for consideration on the motion of Senator Adams.

SB 362 - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

Senator Adams requested the privilege of the floor for John H. Small, representing Delaware State Bar Association.

Senator(s) McDowell questioned the witness, after which the witness was excused.

Roll call vote on **SB 362** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cloutier - 1.

SB 362 was declared passed the Senate and sent to the House for Consideration.

SB 363 was brought before the Senate for consideration on the motion of Senator Adams.

SB 363 - 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 Adams requested the privilege of the floor for John H. Small, representing Delaware State Bar Association.

Senator(s) Bunting and Sokola questioned the witness, after which the witness was excused.

Senator McDowell commented.

Roll call vote on **SB 363** was taken and revealed:

YES: 21

SB 363 was declared passed the Senate and sent to the House for Consideration.

SB 364 was brought before the Senate for consideration on the motion of Senator Adams.

SB 364 - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS.

Roll call vote on **SB 364** was taken and revealed:

YES: 21

SB 364 was declared passed the Senate and sent to the House for Consideration.

SB 371 was brought before the Senate for consideration on the motion of Senator Adams.

SB 371 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT AND THE DISCLOSURE OF EVIDENCE THAT MAY JEOPARDIZE THE PHYSICAL SAFETY OF DELAWAREANS.

SA 1 to SB 371 was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 1 to SB 371** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cloutier - 1.

SA 1 to SB 371 was declared part of the bill.

SB 371 w/SA 1 was now before the Senate.

Senator Adams requested the privilege of the floor for Matthew Denn, representing the Governor's office.

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

Roll call vote on **SB 371 w/SA 1** was taken and revealed:

YES: 21

SB 371 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

HB 278 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HB 278 - AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING AND THE PRONOUNCEMENT OF DEATH.

SA 1 to HB 278 was brought before the Senate for consideration on motion of Senator Blevins.

Roll call vote on **SA 1 to HB 278** was taken and revealed:

YES: 21

SA 1 to HB 278 was declared part of the bill.

HB 278 w/SA 1 was now before the Senate.

Roll call vote on **HB 278 w/SA 1** was taken and revealed:

YES: 21

HB 278 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

SB 346 was brought before the Senate for consideration on the motion of Senator Adams.

SB 346 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO COMPOSITION OF ELECTIONS DISTRICTS.

Roll call vote on **SA 1 to SB 346** was taken and revealed:

YES: 21

SA 1 to SB 346 was declared part of the bill.

SB 346 w/SA 1 was now before the Senate.

Roll call vote on **SB 346 w/SA 1** was taken and revealed:

YES: 17

NO: Senator(s) Amick, Bonini, McDowell, Still - 4.

SB 346 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

On motion of Senator Adams, and without objection, the following nomination by the Governor was considered.

Dudlek, Helen: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

SB 239 w/SA 1, HA 1 & HA 2, which was returned from the House with an amendment, was brought before the Senate for reconsideration under the suspension of the necessary rules on motion of Senator Henry.

SB 239 w/SA 1, HA 1 & HA 2 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE KINSHIP CARE PROGRAM.

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 as amended and sent to the Governor.

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

SCR 29 - REQUESTING THE DELAWARE STATE ENERGY OFFICE TO ASSESS THE POSSIBILITY OF DELAWARE BECOMING THE FIRST STATE PARTNER WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S GREEN POWER PARTNERSHIP. Sponsor: Sen. McDowell & Rep. D. Ennis.

SCR 31 - RELATING TO THE ESTABLISHMENT OF CRITERIA FOR CANDIDATES WHO WILL BE PROVIDED WITH A SMOKE DETECTION DEVICE. Sponsor: Sen. Henry & Rep. Smith.

HCR 50 - PROCLAIMING MAY 25, 2002, NATIONAL SALUTE TO THE U.S. MILITARY DAY IN DELAWARE. Sponsor: Rep. Spence & Rep. Smith & Rep. Lee & Rep. Gilligan & Rep. Van Sant, On behalf of all Representatives & Sen. Sharp & Sen. Vaughn & Sen. Marshall & Sen. Amick & Sen. Sorenson, On behalf of all Senators.

SCR 30 was removed from the **Senate Consent Calendar** at the request of Senator McBride. No objection.

A roll call vote was taken on **SENATE CONSENT CALENDAR #10** and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolution was returned to the House.

SB 393 was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Sharp.

SB 393 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATED TO DISTRICT BOUNDARIES OF CERTAIN GENERAL ASSEMBLY SENATE AND HOUSE OF REPRESENTATIVE DISTRICTS.

Senator(s) Bonini and Amick commented.

Roll call vote on **SB 393** was taken and revealed:

YES: 21

SB 393 was declared passed the Senate and sent to the House for Consideration.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed

Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
5/16/02**

May 15, 2002

SB 377 - AN ACT TO AMEND TITLES 16 AND 21 RELATING TO THE DELAWARE PERSONAL MOBILITY AND VEHICULAR TRANSPORTATION ACCESS ACT. Sponsor: Sen. McDowell; Maier, Sens. Bunting, Cloutier, Connor, Henry, Marshall, McBride, Sorenson, Venables; Reps. Brady, D. Ennis, Keeley, Lofink, Miro, Valihura; **Energy & Transit.**

May 16, 2002

SA 2 to HB 439 - Sponsor: Sen. Cook; Placed with the bill.

SA 1 to HB 239 - Sponsor: Sen. Blevins; Placed with the bill.

SB 376 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE USE OF TRAFFIC COUNTING MACHINERY UPON STATE HIGHWAYS. Sponsor: Sen. DeLuca; Spence, Sens. Connor, Henry, Simpson; Reps. Brady, Cathcart, B. Ennis, Hudson, Keeley, Lavelle, Maier, Price, Viola; **Highways & Transportation.**

SB 378 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE IN ORDER TO IMPLEMENT THE HEALTH CARE PROMPT PAYMENT AND COST CONTROL ACT OF 2002. Sponsor: Sen. Blevins; Maier; **Insurance & Elections.**

SB 379 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO CREATE ADDITIONAL SECURITY MEASURES FOR THE ISSUANCE OF DRIVER'S LICENSES AND IDENTIFICATION CARDS. Sponsor: Sen. Henry; Smith, Sens. Blevins, McBride, McDowell, Sharp, Sokola, & Winslow; Reps. Buckworth, DiPinto, Ewing, Fallon, Lee, Miro, Spence, Plant, Van Sant, & West; **Public Safety.**

SB 380 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE INSTITUTIONAL RELEASE CLASSIFICATION BOARD. Sponsor: Sen. Vaughn; Lee; **Adult & Juvenile Corrections.**

SB 381 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO RETAIL SALES OF MOTOR FUEL. Sponsor: Sen. Vaughn; DiPinto; **Highways & Transportation.**

SB 382 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COLLECTION OF BLOOD SAMPLES. Sponsor: Sen. Henry; Ewing; **Executive.**

SB 383 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE TO RELATING TO DEBRIS DISPOSAL AREA REMEDIATION. Sponsor: Sen. DeLuca; Miro, Sens. Blevins, Sokola; Reps. Brady, Buckworth, Gilligan, Keeley, Mulrooney, Roy, Spence, Viola; Sunset.

SB 384 - AN ACT TO AMEND CHAPTERS 5 AND 22, TITLE 13 OF THE DELAWARE CODE RELATING TO ORDERS FOR MEDICAL SUPPORT. Sponsor: Sen. Blevins; Maier; Health & Social Services.

SB 385 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO REVIEW OF CHILD DEATHS. Sponsor: Sen. Blevins; Maier, Sens. Henry, Sokola, Winslow; Reps. Brady, Buckworth, Gilligan, Hudson, Keeley, Price, Schroeder, Viola, West, Williams; Health & Social Services.

SB 386 - AN ACT TO AMEND CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE RELATED TO STATE PROCUREMENT TO AUTHORIZE THE PROCUREMENT OF PROFESSIONAL SERVICES BY COOPERATIVE AGREEMENT. Sponsor: Sen. Blevins; Wagner, Sens. Adams, Cook, DeLuca, Henry, Marshall, Sharp, Sorenson, Vaughn, Winslow; Reps. DiPinto, Gilligan, Lee, Maier, Oberle, Smith, Spence, Stone, Williams; Executive.

SB 387 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE. Sponsor: Sen. Blevins; Maier; Insurance & Elections.

SB 388 - AN ACT TO AMEND TITLE 7 AND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DIVISION OF CHILD SUPPORT ENFORCEMENT, APPLICATIONS FOR HUNTING, FISHING OR TRAPPING LICENSES AND SOCIAL SECURITY NUMBERS. Sponsor: Sen. Blevins; Maier; Executive.

SB 389 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; Finance.

SB 390 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE BY CODIFYING A SECTION OF THE FISCAL YEAR 2002 BUDGET ACT. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; Finance.

SB 393 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATED TO DISTRICT BOUNDARIES OF CERTAIN GENERAL ASSEMBLY SENATE AND HOUSE OF REPRESENTATIVE DISTRICTS. Sponsor: Sen. Sharp; Adams, Sen. Marshall & Rep. Spence & Rep. Smith & Rep. Lee; LOT.

SB 391 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; Finance.

SB 392 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; Finance.

SB 394 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; Finance.

SB 395 - AN ACT TO AMEND AN ACT BEING, CHAPTER 2 OF VOLUME 73, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO PROVIDE FOR REFUNDING ALL OUTSTANDING BONDS OR OTHER INDEBTEDNESS OF THE TOWN TO INCLUDE REFINANCING SUCH BONDS OR OTHER EVIDENCES OF INDEBTEDNESS AND TO INCLUDE REFUNDING PROCEDURES EVEN IF THERE IS A PREMIUM TO PREPAY. Sponsor: Sen. Bunting; Price; Community/County Affairs.

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Additions to the agenda, committee and other legislative meeting were announced. The Secretary announced the agenda for June 4, 2002.

On motion of Senator Adams, the Senate recessed at 04:34 PM until June 4, 2002 at 02:00 PM or the Call of the President Pro Tempore, whichever comes first.

The Senate reconvened at 02:34 PM on June 4, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Health and Social Services: **SB 365** - 3 Merits.

From Public Safety: **SB 379** - 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 396 w/HA 1 aab HA 1; HB 498; HB 434; HB 435; HB 406 w/HA 1 & 5; SB 346 w/SA 1; HB 480 w/HA 3; SB 304 w/HA 1; SB 350; SB 393; SB 311 w/SA 1; HCR 50; HCR 39; HCR 40.**

LEGISLATIVE ADVISORY #31, 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 #31, dated May 29, 2002, the Governor signed the following legislation on the dates indicated:

SB #368 aab SA 1 (5/15/02) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MINIMUM STAFFING FOR NURSING HOME FACILITIES AND TRAINING FOR CERTIFIED NURSING ASSISTANTS. (Sponsors: Sen. Marshall; Sens. Blevins, Amick, Simpson; Reps. Maier, DiPinto, B. Ennis) (Volume 73, Chapter 258, Laws of Delaware.)

SB #328 aab SA 1 (5/21/02) – AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN THE TOWN OF GEORGETOWN, SUSSEX COUNTY, DELAWARE. (Sponsors: Sen. Adams & Rep. West; Sens. Venables & Bunting) (Volume 73, Chapter 259, Laws of Delaware.)

SB #332 (5/17/02) – AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO FREEDOM OF INFORMATION. (Sponsors: Sen. Blevins & Rep. Maier; Sens. Amick, Henry, McDowell; Rep. Keeley) (Volume 73, Chapter 260, Laws of Delaware.)

HB #111 aab SA 2 (5/17/02) – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING ANTIQUE AUTOMOBILES OR MOTOR VEHICLES REGISTERED ANTIQUE AND INSPECTION. (Sponsors: Rep. Oberle & Sen. Sokola) (Volume 73, Chapter 261, Laws of Delaware.)

HB #218 (5/17/02) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BOARDS OF REORGANIZED SCHOOL DISTRICTS. (Sponsors: Rep. Ulbrich & Sen. Simpson; Reps. Spence, Lee, Carey, Cathcart, Caulk, DiPinto, Hudson, Lofink, Maier, Reynolds, Stone, Thornburg, Valihura, Wagner, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Plant, Price, Schroeder, Viola, West) (Volume 73, Chapter 262, Laws of Delaware.)

HB #401 aab SA 2 (5/17/02) – AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO MEDALS, DECORATIONS AND HONORS FOR ACTIVE MEMBERS OF THE DELAWARE NATIONAL GUARD AND RETIREMENT OF DELAWARE NATIONAL GUARD MEMBERS. (Sponsors: Rep. Spence & Sen. Marshall) (Volume 73, Chapter 263, Laws of Delaware.)

HB #459 aab SA 1 (5/17/02) – 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. Fallon; Reps. Ewing, West; Sen. Bunting) (Volume 73, Chapter 264, Laws of Delaware.)

HB #234 (5/21/02) – AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO THE AUTISTIC MONITORING REVIEW BOARD. (Sponsors: Rep. Miro & Sen. Sokola; Rep. Smith) (Volume 73, Chapter 265, Laws of Delaware.)

HB #263 aab HA 1 (5/21/02) – AN ACT TO AMEND TITLES 18 AND 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION INSURANCE. (Sponsors: Rep. Lofink & Rep. Oberle & Sen. Marshall) (Volume 73, Chapter 266, Laws of Delaware.)

HB #273 (5/21/02) – AN ACT TO AMEND VOLUME 63, LAWS OF DELAWARE, CHAPTER 135, RELATING TO THE TITLE OF PROPERTY KNOWN AS 1300 WEST SEVENTH STREET, WILMINGTON, DELAWARE. (Sponsors: Rep. Spence & Rep. Gilligan & Sen. McDowell & Sen. Henry & Sen. Marshall & Sen. Amick & Sen. Sorenson) (Volume 73, Chapter 267, Laws of Delaware.)

A communication from Senator Dallas Winslow to Bernard J. Brady, Secretary of the Senate was read into the record requesting his name be added as a co-sponsor of **SB 383**.

A communication from Representative Joseph E. Miro to Senator Margaret Rose Henry was read into the record requesting his name be removed as a co-sponsor of **SB 379**.

At 02:40 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-fourth Legislative Day.

**34th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 04, 2002**

The Senate convened at 02:40 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Winslow 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Simpson requested the personal privilege of the floor for Dr. Meredith Dean Betts, representing the Department of Education.

Dr. Betts introduced the winners of the Statewide Driver Education Competition. Ryan Sutcliffe, Scholarship winner, a Milford High School student, then addressed the Senate.

Senator Adams requested the personal privilege of the floor for the Ms. Linda Pusey representing Miss Delaware Scholarship Organization and the contestants for Miss Delaware Pageant.

Comments were made Ms. Pusey.

Miss Delaware 2001, Erin Cooper presented a portrait to Senator Sharp.

The witnesses were excused.

SB 336 was brought before the Senate for consideration on the motion of Senator Henry.

SB 336 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DRUG PARAPHERNALIA.

Senator Henry requested the privilege of the floor for Vincent Jamison and Troy Hinson, representing Project Citizen.

The witnesses were excused after addressing the Senate.

SA 1 to SB 336 was brought before the Senate for consideration on the motion of Senator Henry.

Senator Vaughn commented.

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

The witness was excused after addressing the Senate.

Senator(s) Connor, Marshall and McBride marked present.

Roll call vote on **SA 1 to SB 336** was taken and revealed:

YES: 21

SA 1 to SB 336 was declared part of the bill.

SB 336 w/SA 1 was now before the Senate.

Senator McDowell commented.

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

The witness was excused after addressing the Senate.

Roll call vote on **SB 336 w/SA 1** was taken and revealed:

YES: 20

NOT VOTING: Senator(s) McDowell - 1.

SB 336 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 369 was brought before the Senate for consideration on the motion of Senator Cook.

SB 369 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO IMPLEMENTATION OF SKILLS/KNOWLEDGE SUPPLEMENTS AND PAYMENT OF STIPENDS.

Senator Bonini commented.

Roll call vote on **SB 369** was taken and revealed:

YES: 20

NO: Senator(s) Still - 1

SB 369 was declared passed the Senate and sent to the House for Consideration.

SB 115 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 115 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE CHILD DEATH REVIEW COMMISSION.

SA 1 to SB 115 was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to SB 115** was taken and revealed:

YES: 20

NO: Senator(s) Still - 1.

SA 1 to SB 115 was declared part of the bill.

SB 115 w/SA 1 was now before the Senate.

Senator(s) Still, Venables and Amick commented.

Senator Blevins moved to lay **SB 115 w/SA 1** on the Table. No objection.

SB 379 was brought before the Senate for consideration on the motion of Senator Henry.

SB 379 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO CREATE ADDITIONAL SECURITY MEASURES FOR THE ISSUANCE OF DRIVER'S LICENSES AND IDENTIFICATION CARDS.

Senator Henry requested the privilege of the floor Michael Shahan, representing Director of the Division of Motor Vehicle.

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

Senator Marshall requested the privilege of the floor for Drewry N. Fennell, representing American Civil Liberties Union of Delaware.

Senator Bonini raised a point of order.

Several Senators continued to question the witness, after which the witness was excused.

Senator Marshall requested the privilege of the floor for Margaret Zak, representing La Esperanza.

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

Senator Henry moved to lay **SB 379** on the Table. No objection.

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

The Secretary announced the agenda for June 5, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/4/02**

May 21, 2002

SA 1 to SB 156 - Sponsor: Sen. Winslow; Placed with the bill.

June 4, 2002

SA 1 to SB 391 - Sponsor: Sen. Vaughn; Placed with the bill.

SB 398 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO RISK-BASED CAPITAL FOR HEALTH ORGANIZATIONS.

Sponsor: Sen. Cook; Stone; **Insurance & Elections**.

HB 396 w/HA 1 aab HA 1 - AN ACT TO AMEND CHAPTER 23 OF TITLE 24 OF THE DELAWARE CODE RELATING TO PAWNBROKERS, SECOND-HAND

DEALERS, AND JUNK DEALERS. Sponsor: Rep. Viola; DeLuca, Reps. B. Ennis, Gilligan, Keeley, Maier, Mulrooney, Sens. Amick, Sokola; Executive.

HB 406 w/HA 1, HA 5 - AN ACT TO AMEND TITLE 6 RELATING TO BUILDING CONSTRUCTION PAYMENTS. Sponsor: Rep. Cathcart; Sharp, Reps. Roy, Spence, Hudson, Valihura, Smith, Miro, Boulden, Buckworth, Thornburg, DiPinto; Sen. Winslow; Judiciary.

HB 434 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES. Sponsor: Rep. B. Ennis; Vaughn, Reps. Brady, Buckworth, Fallon, Houghton, Miro, Plant, Spence, Van Sant, Viola, West; Sunset.

HB 435 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE SECURITY SYSTEMS AND PROTECTIVE SERVICES. Sponsor: Rep. B. Ennis; Vaughn, Reps. Brady, Buckworth, Ewing, Fallon, Houghton, Miro, Plant, Spence, Van Sant, West; Sunset.

HB 498 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT. Sponsor: Rep. Viola; Executive.

HCR 47 - RECOMMENDING THAT THE STATE PERSONNEL OFFICE TAKE IMMEDIATE STEPS TO DECENTRALIZE THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. Sponsor: Rep. D. Ennis; Wagner, Reps. B. Ennis & Keeley; Executive.

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

James H. Elliott 38 Bayside Drive Fenwick Island, DE 19944	To be appointed a member of the Delaware Nutrient Management Commission to serve a term to expire 3 years from Senate confirmation.
Stephen L. Manista 300 Taylor Road Wilmington, DE 19804	To be reappointed a member of the Violent Crimes Compensation Board to serve a term to expire 3 years from Senate confirmation.
Thomas P. Brown 2614 Fogg Lane Wilmington, DE 19808	To be reappointed a Justice of the Peace for New Castle County to serve a term to expire 6 years from Senate confirmation.
Dr. Everett C. Toomey 378 West State Street Millsboro, DE 19966	To be appointed a member of the University of Delaware Board of Trustees to serve a term to expire 6 years from Senate confirmation.
Rowland H. Hickman, Jr. P.O. Box 389 120 The Strand New Castle, DE 19720	To be reappointed a member of the Diamond State Port Corporation to serve a term to expire 3 years from Senate confirmation.
J. Brian Murphy 1014 North Rodney Street Wilmington, DE 19806	To be reappointed a member of the Diamond State Port Corporation to serve a term to expire 3 years from Senate confirmation.
Donna K. Sandstrom 145 Kings Hwy., Apt. 107 Dover, DE 19901	To be appoint a member of the Kent County Board of Elections to serve a term to expire 4 years from Senate confirmation.
John D. McKenzie 206 Grier Lane Milford, DE 19963	To be reappointed a Justice of the Peace for Sussex County to serve a term to expire 6 years from Senate confirmation.
Nancy J. Shevock 300 Carnoustie Road Dover, DE 19904	To be reappointed a member of the Board of Pension Trustees to serve a term to expire 4 years from Senate confirmation.

Terry L. Smith
2603 Skylark Road
Brookmeade
Wilmington, DE 19808

To be reappointed a Justice of the Peace for New Castle County to serve a term to expire 6 years from Senate confirmation.

James A. Murray
1521 Fawn Street
Dover, DE 19904

To be reappointed a Justice of the Peace for Kent County to serve a term to expire 6 years from Senate confirmation.

Jana E. Mollohan
10956 Sunnyside Road
Bridgeville, DE 19933

To be reappointed a Justice of the Peace for Sussex County to serve a term to expire 6 years from Senate confirmation.

Laurence L. Fitchett, Jr.
1913 West 9th Street
Wilmington, DE 19805

To be reappointed a Justice of the Peace for New Castle County to serve a term to expire 6 years from Senate confirmation.

Thomas R. Barton
12 Harvest Trail
Newark, DE 19702

To be reappointed a Justice of the Peace for New Castle County to serve a term to expire 6 years from Senate confirmation.

The following nomination(s) are not gubernatorial appointments:

Ms. Lauren B. Brohawn
39 Country Hills Drive
Newark, DE 19711

To be appointed a member of the University of Delaware Board of Trustees to serve a term to expire May 22, 2003.

Mr. John A. Krol
1007 Market St. 9th Floor
Wilmington, DE 19898

To be reappointed a member of the University of Delaware Board of Trustees to serve a term to expire May 22, 2008.

* * *

On motion of Senator Adams, the Senate recessed at 04:57 PM until June 5, 2002 at 04:00 PM.

The Senate reconvened at 04:05 PM on June 5, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 485 w/HA 1; HB 437 w/HA 1; HB 522 w/HA 1; HB 486; SB 349; SB 351; SB 233; SB 314; HCR 49; HCR 51; SCR 29; SCR 31 and defeated SB 286.**

The following committee reports were announced;

From Natural Resources: **SS 1 to SB 273** - 4 Merits.

From Agriculture: **SB 375** - 4 Merits; **HB 424** - 4 Merits.

From Community/County Affairs: **SB 395** - 3 Merits; **SB 373** - 4 Merits; **HB 460 w/HA 1** - 3 Merits.

At 04: 10 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-fifth Legislative Day.

**35th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 05, 2002**

The Senate convened at 04:10 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Marshall requested the personal privilege of the floor to recognize healthcare staff in nursing facilities. Tributes were presented to the following: Vickie Cox, Nancy Smith, Father Edward J. Storck, Cynthia Wallace, Allene Williamson, Crystal Satterfield, Cecelia Russ, Kathy Bradley. Recipients unable to be present were announced: Jerry Spilecki, Alex Rivera, Beverly Mullen, Joan Klockars and Cheryl Cox. The Senate expressed its congratulations with applause.

The following committee reports were announced:

From Revenue and Taxation: **HB 260** - 4 Merits.

From Labor: **HB 425** - 4 Merits; **HB 465** - 4 Merits.

From Highways and Transportation: **SB 376** - 5 Merits; **SB 381** - 5 Merits.

From Sunset: **SB 383** - 1 Favorable, 4 Merits.

From Public Safety: **SB 374** - 3 Merits.

SS 1 to SB 273 was brought before the Senate for consideration on the motion of Senator McBride.

SS 1 to SB 273 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ABOVEGROUND STORAGE TANKS.

Senator Connor moved to lay **SA 1 to SS 1 to SB 273** on the Table. No objection.

SA 2 to SS 1 to SB 273 was brought before the Senate for consideration on the motion of Senator McBride.

Senator Henry questioned the sponsor, after which Senator McBride requested the privilege of the floor for Secretary DiPasquale, representing DNREC.

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

Senator(s) Amick, Blevins, Bonini, Connor marked present.

Senator McBride requested that Senator Connor be added as a co-sponsor to **SA 2 to SS 1 to SB 273**.

Senator Vaughn commented.

Roll call vote on **SA 2 to SS 1 to SB 273** was taken and revealed:

YES: 21

SA 2 to SS 1 to SB 273 was declared part of the bill.

SA 3 to SS 1 to SB 273 was brought before the Senate for consideration on the motion of Senator Bunting.

Senator Connor commented.

Roll call vote on **SA 3 to SS 1 to SB 273** was taken and revealed:

YES: 21

SA 3 to SS 1 to SB 273 was declared part of the bill.

Senator Connor requested that **SA 1 to SS 1 to SB 273** be Stricken. No objection.

Senator Connor requested the personal privilege of the floor for Joseph Tomeo.

Senator Sharp raised a point of order.

Mr. Tomeo continued to address the Senate, after which Senator Connor requested the witness be excused.

SS 1 to SB 273 w/SA 2 & SA 3 was now before the Senate.

Roll call vote on **SS 1 to SB 273 w/SA 2 & SA 3** was taken and revealed:

YES: 21

Senator Henry requested that **SB 287** be Stricken. No objection.

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

The Secretary announced the agenda for June 6, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/5/02**

June 4, 2002

SS 1 to SB 240 - AN ACT TO AMEND CHAPTER 11, TITLE 24 OF THE DELAWARE CODE RELATING TO DENTISTRY AND DENTAL HYGIENE.

Sponsor: Sen. DeLuca; Ulbrich, Sens. Bunting, Sokola, Simpson, Still; Reps. Hudson, Valihura, DiLiberto & Keeley; Sunset; LOT.

SB 397 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE AND THE PROMPT PAYMENT OF COMPLETED MEDICAL CLAIMS. Sponsor: Sen. Blevins; Maier; **Insurance & Elections**.

June 5, 2002

SA 1 to SB 320 - Sponsor: Sen. Blevins; Placed with the bill.

SA 1 to SB 365 - Sponsor: Sen. Blevins; Placed with the bill.

SA 1 to SB 379 - Sponsor: Sen. Marshall; Placed with the bill.

SA 2 to SB 115 - Sponsor: Sen. Amick; Placed with the bill.

SB 399 - AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO EMERGENCY ORDERS. Sponsor: Sen. McBride; Quillen; **Natural Resources & Environmental Control**.

SB 400 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO SOLEMNIZATION OF MARRIAGES. Sponsor: Sen. Amick; Ulbrich; **Judiciary**.

SB 401 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ALTERNATIVE EDUCATIONAL FACILITIES. Sponsor: Sen. Amick; Sens. Marshall, Sokola; Reps. Reynolds, Ulbrich; **Executive**.

HB 437 w/HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO STATE EMERGENCY RESPONSE COMMISSION; AND PROVIDING FOR EMERGENCY PLANNING AND RESPONSE. Sponsor: Rep. B. Ennis; D. Ennis & Rep. DiPinto & Sen. Vaughn; Reps. Brady, Buckworth, Caulk, Ewing, Fallon, Houghton, Lee, Miro, Oberle, Price, Quillen, Spence, Van Sant, Viola, West; Sen. Simpson; **Finance**.

HB 480 w/HA 3 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO FINANCIAL INSTITUTIONS. Sponsor: Rep. Stone; Adams, Reps. DiPinto, Hudson, Roy, Smith, Spence, Valihura, Van Sant, Wagner; Sens. Amick, Bonini, Cook, McDowell, Winslow; **Banking**.

HB 485 w/HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD. Sponsor: Rep. Wagner; Spence & Rep. Maier & Sen. Sokola & Sen. Henry; Reps. Buckworth, Carey, DiLiberto, D. Ennis, Ewing, Lofink, Valihura, B. Ennis, Houghton; **Executive**.

HB 486 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND DRIVERS LICENSES. Sponsor: Rep. Wagner; Maier, Sen. Bunting; **Public Safety**.

HB 522 w/HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE REGARDING SUBSTITUTION OF DRUGS. Sponsor: Rep. Spence; McBride, Rep. Boulden; Reps. Smith, Lee, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, Van Sant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, Viola, West; Sens. Amick, Sorenson, Henry, McDowell, Blevins, Bonini, Connor, Simpson, Still, Winslow; **Executive**.

On motion of Senator Adams, the Senate recessed at 05:17 PM until June 6, 2002 at 02:00 PM.

The Senate reconvened at 02:34 PM on June 6, 2002 with Senator Sharp presiding.

The following committee reports were announced:

From Finance: **SB 392** - 4 Merits; **SB 394** - 4 Merits; **SB 389** - 4 Merits; **SB 390** - 4 Merits; **SB 391** - 4 Merits.

From Education: **HB 380** - 3 Merits.

From Community/County Affairs: **HB 474** - 3 Merits.

From Corrections: **SB 380** - 3 Merits.

From Executive: **HB 448** - 4 Merits; **SB 194** - 4 Merits; **HB 393** - 3 Merits; **Thomas R. Barton** - 4 Merits; **Thomas P. Brown** - 1 Favorable, 3 Merits; **James Elliott** - 4 Merits; **Lawrence Fitchett** - 4 Merits; **Roland Hickman** - 4 Merits; **Steven Manista** - 4 Merits; **John McKenzie** - 4 Merits; **Jana Mollohan** - 4 Merits; **James A. Murray** - 4 Merits; **J. Brain Murphy** - 4 Merits; **Donna K. Sandstrom** - 4 Merits; **Nancy J.**

Shevock - 4 Merits; **Terry Smith** - 4 Merits; **Dr. Everett Toomey** - 4 Merits; **Lauren B. Brohawn** - 4 Merits; **John A. Krol** - 4 Merits.

From Health and Social Services: **SB 320** - 3 Merits; **SB 372** - 3 Merits; **SB 384** - 3 Merits; **SB 385** - 3 Merits.

At 02:40 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-sixth Legislative Day.

**36th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 06, 2002**

The Senate convened at 02:40 PM with Senator Sharp 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Marshall moved to replace **SB 190** on the agenda with **SB 402**.

Lt. Governor Carney presiding at 02:44 PM.

Senator Marshall moved for the suspension of rules to consider **SB 402**.

Senator Bonini objected.

Senator Marshall moved to recess at 02:45 PM.

Senator Sharp moved the Senate reconvene at 02:46 PM with Lt. Governor Carney presiding.

Senator Sharp then moved for a roll call on the objection.

The Roll call revealed:

YES: 8

NO: Senator(s) Adams, Blevins, Bunting, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Sokola, Vaughn, Venables - 13.

Senator(s) Blevins and McBride marked present during the above roll call. (YES vote to sustain the objection, NO vote to reject)

Thus, the objection was defeated.

Senator Winslow commented.

SB 402 was introduced and brought before the Senate for consideration under the suspension of the necessary rules on motion of Senator Marshall.

SB 402 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HANDGUN SAFETY LOCKS AND SAFETY DEVICES. Sponsor: Sen. Marshall & Sen. Henry & Sen. McDowell & Rep. Hudson & Rep. Keeley & Rep. Williams.

Senator Marshall requested the privilege of the floor for Francis Murphy, Senate Attorney.

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

Senator Marshall requested the privilege of the floor for Cpl. Robert C. Hartman, representing New Castle County Police.

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

Senator Marshall requested the privilege of the floor for Chad Ramsey, representing Brady Campaign to Prevent Gun Violence.

Several Senators questioned the witness.

Senator Marshall raised a point of order.

Senator(s) Cloutier and Still continued to question the witness.

Senator Sokola raised a point of order.

Senator Marshall raised a point of order.

The witness was excused.

Senator Marshall requested a letter from Mayor James Baker be read into the record regarding his support of **SB 402**.

Senator McDowell commented.

Senator Marshall requested the privilege of the floor for Jackie Foster, representing Delaware PTA.

The witness was excused after addressing the Senate.

Senator Marshall requested the privilege of the floor for Mary Ann Pry, representing Delaware State Education Association.

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

Senator Marshall requested the privilege of the floor for Karen Fischer, representing Million Mom March, Delaware.

Senator Winslow raised a point of order.

Senator Simpson questioned the witness.

Senator Marshall raised a point of order.

The witness was excused.

Senator Marshall requested the privilege of the floor for Marie Renzi, representing Alfred I. DuPont Hospital for Children.

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

Senator Marshall moved to lay **SB 402** on the Table. No objection.

SB 376 was brought before the Senate for consideration on the motion of Senator DeLuca.

SB 376 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE USE OF TRAFFIC COUNTING MACHINERY UPON STATE HIGHWAYS.

SA 1 to SB 376 was brought before the Senate for consideration on the motion of Senator DeLuca.

Roll call vote on **SA 1 to SB 376** was taken and revealed:

YES: 19

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

SA 1 to SB 376 was declared part of the bill.

SB 376 w/SA 1 was now before the Senate.

Roll call vote on **SB 376 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Connor - 1.

SB 376 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 374 was brought before the Senate for consideration on the motion of Senator Adams.

SB 374 - AN ACT TO AMEND TITLE 11 RELATING TO DELAWARE STATE POLICE.

Roll call vote on **SB 374** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cloutier - 1.

SB 374 was declared passed the Senate and sent to the House for Consideration.

On motion of Senator Adams, the Senate recessed at 04:37 PM for Party Caucus.

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

HB 260 was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HB 260 - AN ACT TO AMEND SECTION 49, CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO THE DURATION OF TAX LIENS.

Roll call vote on **HB 260** was taken and revealed:

YES: 21

HB 260 was declared passed the Senate and returned to the House.

HB 425 was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HB 425 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

SA 1 to HB 425 was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to HB 425** was taken and revealed:

YES: 21

SA 1 to HB 425 was declared part of the bill.

HB 425 w/SA 1 was now before the Senate.

Roll call vote on **HB 425 w/SA 1** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

HB 425 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

SB 304 w/HA 1 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 304 w/HA 1 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE DELAWARE ASSOCIATION FOR THE BLIND.

Senator McDowell commented.

Roll call vote on **SB 304 w/HA 1** was taken and revealed:

YES: 21

SB 304 w/HA 1 was declared passed the Senate and sent to the House for Consideration.

SB 231 w/HA 1 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 231 w/HA 1 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE PENALTIES AND ENFORCEMENT OF PROHIBITIONS ON AFFIXING TOBACCO PRODUCT TAX STAMPS.

Roll call vote on **SB 231 w/HA 1** was taken and revealed:

YES: 21

SB 231 w/HA 1 was declared passed the Senate and sent to the House for Consideration.

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

The Secretary announced the agenda for June 11, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/6/02**

SB 403 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO DEFINITION OF FINAL AVERAGE COMPENSATION IN THE STATE EMPLOYEES PENSION PLAN. Sponsor: Sen. Cook; DiPinto, Sens. Vaughn, McBride & Winslow; Reps. Oberle & Brady; **Finance**.

SB 404 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY. Sponsor: Sen. Sokola; Maier, Sen. Simpson; **Education**.

SB 405 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATED TO DISTRICT BOUNDARIES OF GENERAL ASSEMBLY SENATE DISTRICTS AND AUTHORIZING COUNTY GOVERNMENTS AND THE CITY OF WILMINGTON TO AMEND COUNCILMANIC AND LEVY COURT DISTRICT LINES. Sponsor: Sen. Sharp; Adams, Sen. Marshall & Rep. Spence & Rep. Smith & Rep. Lee; **LOT**.

SA 1 to SB 402 - Sponsor: Sen. Marshall; Placed with the bill.

SA 2 to SB 402 - Sponsor: Sen. Winslow; Placed with the bill.

SA 3 to SB 402 - Sponsor: Sen. Winslow; Placed with the bill.

HCR 51 - CREATING A COMMISSION TO ASSESS AND MAKE RECOMMENDATIONS ON COMMUNITY-BASED ALTERNATIVES FOR PERSONS WITH DISABILITIES. Sponsor: Rep. Valihura; Henry, Rep. Wagner; Judiciary.

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On motion of Senator Adams, the Senate recessed at 05:50 PM until June 11, 2002 at 02:00 PM.

The reconvened at 02:35 PM on June 11, 2002 with Lt. Governor Carney presiding.

LEGISLATIVE ADVISORY #32, 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 #32, dated June 10, 2002, the Governor signed the following legislation on the dates indicated:

HB #395 aab SA 1 (5/23/02) - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE SYMBOLS. (Sponsors: Rep. Smith & Sen. Cloutier & Sen. Sokola & Rep. Carey & Rep. Cathcart & Rep. D. Ennis & Rep. Hudson & Rep. Lavelle & Rep. Thornburg) (Volume 73, Chapter 268, Laws of Delaware.)

HB #151 aab HA 1 & HA 2 (5/23/02) - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO INCREASING PENALTIES FOR VIOLATIONS OF LEAD-BASED PAINT HAZARD REGULATIONS. (Sponsors: Rep. Maier & Sen. Blevins; Reps. D. Ennis, Ewing, Hudson, Lee, Valihura; Sens. Bonini, Cloutier, Henry, Sokola, Winslow) (Volume 73, Chapter 269, Laws of Delaware.)

SB #239 aab SA 1 & HA 1 & HA 2 (5/29/02) - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE KINSHIP CARE PROGRAM. (Sponsors: Sen. Henry & Rep. Maier; Sens. Blevins, Cook, McDowell, Sokola, Amick, Bonini, Cloutier, Connor, Simpson, Sorenson, Winslow; Reps. Hudson, Keeley, Plant) (Volume 73, Chapter 270, Laws of Delaware.)

SB #311 aab SA 1 (5/29/02) - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. (Sponsors: Sen. Marshall & Rep. Lofink) (Volume 73, Chapter 271, Laws of Delaware.)

SB #346 aab SA 1 (5/29/02) - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO COMPOSITION OF ELECTIONS DISTRICTS. (Sponsors: Sen. Adams & Sen. Cook; Sen. Winslow; Rep. Lee) (Volume 73, Chapter 272, Laws of Delaware.)

SB #350 (5/29/02) - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE FRANCHISING PRACTICES. (Sponsors: Sen. Adams & Rep. DiPinto) (Volume 73, Chapter 273, Laws of Delaware.)

SB #393 (5/29/02) - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISTRICT BOUNDARIES OF CERTAIN GENERAL ASSEMBLY SENATE AND HOUSE OF REPRESENTATIVE DISTRICTS. (Sponsors: Sen. Sharp & Sen. Adams & Sen. Marshall & Rep. Spence & Rep. Smith & Rep. Lee) (Volume 73, Chapter 274, Laws of Delaware.)

SB #99 aab SA 1 & SA 4 & HA 12 & HA 19 (5/31/02) - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT. (Sponsors: Sen. McBride & Sen. Blevins; Sens. Bunting, Henry, Sokola, Cloutier, Sorenson, Winslow; Reps. Hudson, Valihura, Smith, Buckworth, Maier) (Volume 73, Chapter 275, Laws of Delaware.)

* * *

A withdrawal of sponsorship request from Representative Spence was read into the record requesting that her name be removed as co-sponsor of **SB 405**.

A withdrawal of sponsorship request from Representative Smith was read into the record requesting that her name be removed as co-sponsor of **SB 405**.

A communication from Chief Clerk, JoAnn P. Hedrick to Secretary of the Senate, Bernard J. Brady was read into the record informing the Senate that **SB 286** was defeated in the House on May 16, 2002 and then transmitted to the Senate on June 4, 2002. On June 6, 2002, a motion was made in the House to restore **SB 286**. The motion was adopted and the bill was laid on the Speaker's Table and request the original bill be returned to the House.

A communication from Bernard J. Brady, Secretary of the Senate to JoAnn P. Hedrick, Chief Clerk of the Senate was read into the record as requested I hereby return **SB 286** to the House.

The following committee reports were announced:

From Natural Resources: **HB 245** - 3 Merits.

From Health and Social Services: **HB 315** - 3 Merits; **HS 1 to HB 377** - 4 Merits; **HB 445** - 3 Merits.

From Sunset: **HB 322** - 5 Merits.

From Highways and Transportation: **HB 446** - 5 Merits.

From Judiciary: **HB 406** - 4 Merits; **HB 324** - 4 Merits; **SB 347** - 4 Merits; **SB 318** - 4 Merits; **SB 319** - 4 Merits.

From Education: **SB 404** - 3 Merits; **HB 388** - 4 Merits.

At 02:40 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-seventh Legislative Day.

**37th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 11, 2002**

The Senate convened at 02:40 PM with Lt. Governor Carney presiding.

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

Senator Adams requested the privilege of the floor for a special presentation of American flags throughout Our Nation history with a brief statement on each presented by Col. Earl G. Jaynes, Jr. The Senate regular salute to the flag then followed. Lead by Sgt. Christopher Guest, after which the flag bearers departed the chamber and all were excused by Senator Adams.

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

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

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

Senator Henry requested the privilege of the floor for a personal introduction.

Senator Marshall requested the personal privilege of the floor to introduce former State Representative and presently a UAW member, Amos McCluney.

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

Elliott, James: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator McBride marked present during the above roll call.

Manista, Stephen: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Brown, Thomas: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Sandstrom, Donna: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

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

Murray, James: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Mollohan, Jana: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

SB 320 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 320 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL CONDITIONS.

Senator Bonini commented.

SA 1 to SB 320 was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to SB 320** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall - 1.

SA 1 to SB 320 was declared part of the bill.

SB 320 w/SA 1 was now before the Senate.

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

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

Roll call vote on **SB 320 w/SA 1** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1

SB 320 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

Lt. Governor Carney introduced Mike Sendlinger, Boys State Lt. Governor.

SB 384 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 384 - AN ACT TO AMEND CHAPTERS 5 AND 22, TITLE 13 OF THE DELAWARE CODE RELATING TO ORDERS FOR MEDICAL SUPPORT.

Senator Still questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Charles Hayward, representing the Division of Child Support Enforcement.

The witness was excused after addressing the Senate.

Roll call vote on **SB 384** was taken and revealed:

YES: 21

SB 384 was declared passed the Senate and sent to the House for Consideration.

SB 395 was brought before the Senate for consideration on the motion of Senator Bunting.

SB 395 - AN ACT TO AMEND AN ACT BEING, CHAPTER 2 OF VOLUME 73, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO PROVIDE FOR REFUNDING ALL OUTSTANDING BONDS OR OTHER INDEBTEDNESS OF THE TOWN TO INCLUDE REFINANCING SUCH BONDS OR OTHER EVIDENCES OF INDEBTEDNESS AND TO INCLUDE REFUNDING PROCEDURES EVEN IF THERE IS A PREMIUM TO PREPAY.

Roll call vote on **SB 395** was taken and revealed:

YES: 21

SB 395 was declared passed the Senate and sent to the House for Consideration.

HB 460 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 460 w/HA 1 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY, CHAPTER 268, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, BY CLARIFYING VOTING QUALIFICATIONS, PROHIBITING MEMBERS OF COUNCIL FROM BEING EMPLOYED BY THE TOWN, CLARIFYING THE POWERS OF THE MAYOR, AUTHORIZING THE TOWN COUNCIL TO ESTABLISH CODE OF CONDUCT, CONTRACT, AND COMPETITIVE BIDDING PROVISIONS BY ORDINANCE, CLARIFYING FORFEITURE OF OFFICE PROVISIONS, AUTHORIZING REMOTE ELECTRONIC ACCESS MEETING PARTICIPATION BY COUNCIL MEMBERS, EXPANDING THE TOWN'S ABILITY TO CREATE LIENS AND TO COLLECT COSTS AND ATTORNEY'S FEES, EXPANDING THE JURISDICTION OF THE TOWN POLICE AND ALDERMAN, AUTHORIZING THE TOWN TO ADOPT SUBDIVISION REGULATION, IMPOSE IMPACT FEES AND TO COLLECT A "VOLUNTARY ASSESSMENT" FROM VIOLATORS IN LIEU OF REQUIRING A COURT APPEARANCE.

Several Senators commented.

Senator Sokola moved to lay **HB 460 w/HA 1** on the Table. No objection.

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

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

The Secretary announced a message from the House informing the Senate that it had passed **HB 473 w/HA 5; HB 493; HB 382 w/HA 1; HB 463; HCR 52; SB 18 w/HA 1; HB 447 w/HA 1; HB 497; HB 503; HB 421 w/HA 1; SB 339.**

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

Toomey, Everett: 19 Senator(s) voting YES, 1 (Amick) NOT VOTING, 1 (Henry) ABSENT. Appointment was declared CONFIRMED.

Brohawn, Lauren; Krol, John: 19 Senator(s) voting YES, 1 (Amick) NOT VOTING, 1 (Henry) ABSENT. Appointment was declared CONFIRMED.

HB 474 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 474 - 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", TO STRIKE A REFERENCE THAT THE TOWN MANAGER IS SELECTED ON A ONE YEAR BASIS.

Roll call vote on **HB 474** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Simpson - 2.

HB 474 was declared passed the Senate and returned to the House.

SB 373 was brought before the Senate for consideration on the motion of Senator Bunting.

SB 373 - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO CLARIFY QUALIFICATIONS OF COMMISSIONERS AND MAYOR.

Senator Winslow questioned the sponsor, after which Senator Bunting requested the privilege of the floor for Timothy Willard, Senate Attorney.

The witness was excused after addressing the Senate.

Roll call vote on **SB 373** was taken and revealed:

YES: 18

NO: Senator(s) Bonini - 1.

ABSENT: Senator(s) Henry, McDowell - 2.

SB 373 was declared passed the Senate and sent to the House for Consideration.

SB 389 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 389 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

Roll call vote on **SB 389** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 389 was declared passed the Senate and sent to the House for Consideration.

SB 390 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 390 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE BY CODIFYING A SECTION OF THE FISCAL YEAR 2002 BUDGET ACT.

Roll call vote on **SB 390** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 390 was declared passed the Senate and sent to the House for Consideration.

SB 391 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 391 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

SA 1 to SB 391 was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Amick commented.

Roll call vote on **SA 1 to SB 391** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SA 1 to SB 391 was declared part of the bill.

SB 391 w/SA 1 was now before the Senate.

Roll call vote on **SB 391 w/SA 1** was taken and revealed:

YES: 19

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

SB 391 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 392 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 392 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

Roll call vote on **SB 392** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 392 was declared passed the Senate and sent to the House for Consideration.

SB 394 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 394 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

Senator Bonini raised a point of order.

Senator Amick raised a point of order.

Senator Sharp raised a point of order.

Roll call vote on **SB 394** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Amick - 1.

ABSENT: Senator(s) Henry - 1.

SB 394 was declared passed the Senate and sent to the House for Consideration.

SS 1 to SB 240 was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator DeLuca.

SS 1 to SB 240 - AN ACT TO AMEND CHAPTER 11, TITLE 24 OF THE DELAWARE CODE RELATING TO DENTISTRY AND DENTAL HYGIENE.

Senator Amick commented.

Roll call vote on **SS 1 to SB 240** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SS 1 to SB 240 was declared passed the Senate and sent to the House for Consideration.

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

The Secretary announced the agenda for June 12, 2002.

A communication from Governor Minner was read requesting the withdrawal of Rowland H. Hickman, Jr.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/11/02**

SA 1 to HB 245 - Sponsor: Sen. McBride; Placed with the bill.

SA 1 to HB 315 - Sponsor: Sen. Blevins; Sorenson; Placed with the bill.

SA 1 to HS 1 to HB 377 - Sponsor: Sen. Blevins; Placed with the bill.

SA 1 to SB 372 - Sponsor: Sen. McBride; Placed with the bill.

SB 406 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATED TO DREDGING AND BEACHES. Sponsor: Sen. Venables; **Small Business**.

SB 407 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY FUND. Sponsor: Sen. Bunting; Rep. Price; **Executive**.

SB 408 - AN ACT TO AMEND CHAPTER 60 AND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF SAID CHAPTERS. Sponsor: Sen. McBride; **Natural Resources & Environmental Control**.

SB 409 - 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 34, POWER TO BORROW MONEY AND ISSUE BONDS, BY PROVIDING FOR REFUNDING ALL OUTSTANDING BONDS OR OTHER INDEBTEDNESS OF THE TOWN TO INCLUDE REFINANCING SUCH BONDS OR OTHER EVIDENCES OF INDEBTEDNESS, EXPANDING AUTHORITY TO STATE THE SUM TO BE BORROWED MAY BE STATED IN A "NOT TO EXCEED" AMOUNT; CLARIFYING VOTER QUALIFICATIONS FOR NON-RESIDENT PROPERTY OWNERS; AUTHORIZING THE TOWN TO CANCEL THE BORROWING; PROVIDING FOR BOND ANTICIPATORY NOTES;

PROVIDING FOR A STATUTE OF LIMITATIONS FOR CHALLENGES TO PROCEDURES OF THE TOWN IN THESE MATTERS, AND ALSO INCREASING THE LIMIT WHICH THE TOWN MAY BORROW ON ITS FULL FAITH AND CREDIT UP TO \$500,000. Sponsor: Sen. Bunting; West; Community/County Affairs.

SB 410 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ENGLISH AS THE STATE LANGUAGE. Sponsor: Sen. Bonini; Executive.

SB 411 - AN ACT TO AMEND CHAPTER 38, TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS. Sponsor: Sen. Adams; Stone, Rep. Valihura; Banking.

SJR 15 - URGING THE UNITED STATES CONGRESS AND PRESIDENT GEORGE W. BUSH TO INCREASE FUNDING FOR SPECIAL EDUCATION TO MEET THE FEDERAL COMMITMENT UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT. Sponsor: Sen. Sokola; Cook; Education.

HB 382 w/HA 1 - AN ACT TO AMEND TITLE 10, CHAPTER 81 OF THE DELAWARE CODE RELATING TO LIMITATIONS FROM CIVIL LIABILITY FOR CERTAIN VOLUNTEERS. Sponsor: Rep. Schroeder; Reps. Caulk, B. Ennis, Ewing, Fallon, Houghton, Lavelle, Maier, Quillen, Ulbrich, Valihura, Van Sant, West; Sen. Bunting; Health & Social Services.

HB 421 w/HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL AND PARAMEDIC SERVICES. Sponsor: Rep. B. Ennis; Maier, Sen. Blevins; Reps. Brady, D. Ennis, Ewing, Caulk, DiLiberto, Gilligan, Houghton, Keeley, Lee, Mulrooney, Oberle, Plant, Price, Schroeder, Scott, Spence, Van Sant, Viola, West, Williams, Sens. Simpson, Vaughn; Health & Social Services.

HB 447 w/HA 1 - AN ACT TO AMEND TITLE 21 AND TITLE 6 OF THE DELAWARE CODE RELATING TO SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER, AND PROVIDING A SUPPLEMENTAL APPROPRIATION TO INCREASE PUBLIC AWARENESS OF SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER. Sponsor: Rep. Hudson; Viola & Sen. Cook; Reps. Buckworth, Carey, D. Ennis, Fallon, Miro, Reynolds, Valihura, Smith, Spence; Sens. Sorenson, Cloutier, Winslow; Public Safety.

HB 463 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE ESTABLISHING NEW CDL DISQUALIFICATION OFFENSES AND LICENSING LIMITATIONS FOR COMMERCIAL MOTOR VEHICLE DRIVERS AND THEIR EMPLOYERS. Sponsor: Rep. Ewing; Public Safety.

HB 473 w/HA 5 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE DEFINITION AND USE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ("EPAMD'S"). Sponsor: Rep. Roy; McDowell & Sen. Henry, Reps. Buckworth, Thornburg, Wagner, Williams; Sens. Amick, Sorenson, Cloutier, Winslow; Public Safety.

HB 493 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT OF ASSISTANT COUNTY ATTORNEYS. Sponsor: Rep. Oberle; DeLuca; Community/County Affairs.

HB 497 - 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", TO AMEND SECTION 30 BY ADDING A NEW SUBSECTION (47) TO AUTHORIZE THE TOWN TO RECEIVE BEQUESTS, GIFTS AND DONATIONS OF ALL KINDS AND TO DISPOSE OF THE SAME. Sponsor: Rep. West; Bunting; Community/County Affairs.

HB 503 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT. Sponsor: Rep. Spence; Sen. Sharp; Education.

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

Paul L. Norton
205 Ocean View Blvd.
Lewes, DE 19958

To be appointed a member
of the Sussex County Board
of Elections to serve a term to
Expire 6/21/2006.

Francis J. O'Neill, III
2429 Sunnyside Road
Smyrna, DE 19977

To be appointed a member of the
Delaware Nutrient Management
Commission to serve a term to
expire 3 years from Senate confirmation.

Mookkan Periyasamy
2623 Pennington Drive
Wilmington, DE 19810

To be appointed a member of the
Commission on Adult Entertainment
Establishments for a term to expire
3 years from Senate confirmation.

Bernard L. Pankowski
1303 Kirkwood Highway
Wilmington, DE 19805

To be appointed a member of the
Advisory Council on Tidal
Finfisheries to serve a term to
Expire 5 years from Senate confirmation.

Lawrence S. Foley
625 Silver Run Road
Odessa, DE 19730

To be appointed a member of the Advisory
Council on Tidal Finfisheries to serve a
term to expire 5 years from Senate confirmation.

Acie Mankins
33 Maplewood Drive
Lewes, DE 19958

To be reappointed a member of the Advisory
Council on Tidal Finfisheries to serve a
term to expire 5 years from Senate confirmation.

* * *

On motion of Senator Adams, the Senate recessed at 05:58 PM until June 12, 2002 at 03:00 PM.

The Senate reconvened at 03:35 PM on June 12, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 291 w/HA 1 & HA 2; HB 323 w/HA 1; SB 242; SB 342; HB 500 w/HA 1.**

The following committee reports were announced:

From Executive: **Lawrence Foley** - 1 Favorable, 4 Merits; **Acie Menkins** - 5 Merits; **Paul Norton** - 5 Merits; **Francis J. O'Neill** - 1 Favorable, 4 Merits; **Mookkan Peryasamy** - 5 Merits; **Bernard Pankowski** - 5 Merits; **Rowland Hickman** - 1 Favorable, 4 Merits; **SB 386** - 5 Merits; **HB 522** - 5 Merits.

From Administrative Services: **SB 312** - 3 Merits.

From Insurance and Elections: **SB 397** - 5 Merits; **HB 477** - 4 Merits.

From Natural Resources: **SB 236** - 3 Merits; **SB 399** - 3 Merits.

At 03:40 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-eighth Legislative Day.

**38th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 12, 2002**

The Senate convened at 03:40 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venable, Winslow - 21.

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

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

Norton, Paul: 19 Senator(s) voting YES, 2 (Blevins, Henry) ABSENT.

Appointment was declared CONFIRMED.

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

O'Neill, Francis: 19 Senator(s) voting YES, 2 (Blevins, Henry) ABSENT.

Appointment was declared CONFIRMED.

Periyasamy, Mookkan: 19 Senator(s) voting YES, 2 (Blevins, Henry) ABSENT.

Appointment was declared CONFIRMED.

Foley, Lawrence: 20 Senator(s) voting YES, 1 (Blevins) ABSENT. Appointment was declared CONFIRMED.

Senator Henry marked present during the above roll call.

Pankowski, Bernard: 20 Senator(s) voting YES, 1 (Blevins) ABSENT.

Appointment was declared CONFIRMED.

Mankins, Acie: 20 Senator(s) voting YES. 1 (Blevins) ABSENT. Appointment was declared CONFIRMED.

HB 393 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HB 393 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, §5 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO FREEDOM OF SPEECH.

Roll call vote on **HB 393** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

HB 393 was declared passed the Senate and returned to the House.

HB 448 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HB 448 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICIAL STATE MARINE ANIMAL.

Senator Simpson commented.

Roll call vote on **HB 448** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

HB 448 was declared passed the Senate and returned to the House.

Senator Henry requested that **SB 379** be lifted from table and brought before the Senate for Consideration under the suspension of the necessary rules.

Roll call vote on **SB 379** was taken and revealed:

YES: 17

NO: Senator(s) Adams, Bunting, Sorenson - 3.

ABSENT: Senator(s) Blevins - 1.

SB 379 was declared passed the Senate as amended and sent to the House for Consideration.

SCR 33 was introduced and brought before the Senate for consideration on the motion of Senator Adams.

SCR 33 - REQUESTING THE DEPARTMENT OF NATURAL RESOURCES PREPARE LEGISLATION ADDRESSING SAFETY CONCERNS RELATING TO THE CONSTRUCTION, OPERATION AND MAINTENANCE OF DAMS IN THIS STATE. Sponsor: Sen. Adams & Rep. Lofink.

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

YES: 20

ABSENT: Senator(s) Blevins - 1.

SCR 33 was declared Adopted by the Senate and sent to the House for Consideration.

HB 322 was brought before the Senate for consideration on the motion of the floor manager, Senator DeLuca.

HB 322 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PSYCHOLOGISTS.

Roll call vote on **HB 322** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

HB 322 was declared passed the Senate and returned to the House.

SB 372 was brought before the Senate for consideration on the motion of Senator McBride.

SB 372 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATED TO HEALTH AND SAFETY IN ORDER TO IMPLEMENT RECOMMENDATIONS OF THE TASK FORCE ON CANCER INCIDENCE AND MORTALITY AND IMPROVE THE QUALITY OF CANCER REGISTRY REPORTING.

SA 1 to SB 372 was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on **SA 1 to SB 372** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

SA 1 to SB 372 was declared part of the bill.

SB 372 w/SA 1 was now before the Senate.

Senator Bonini commented.

Senator McBride requested the privilege of the floor for Matt Denn, representing the Governor's office.

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

Senator Simpson requested the privilege of the floor for Joseph Letnaunchyn, representing Delaware Healthcare Association.

The witness was excused after addressing the Senate.

Senator(s) Sorenson and McDowell commented.

Roll call vote on **SB 372 w/SA 1** was taken and revealed:

YES: 19

NO: Senator(s) Simpson - 1.

ABSENT: Senator(s) Blevins - 1.

SB 372 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 381 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 381 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO RETAIL SALES OF MOTOR FUEL.

Senator Vaughn requested the privilege of the floor for James Davis, representing WMDA.

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

Senator McDowell commented.

Roll call vote on **SB 381** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

SB 381 was declared passed the Senate and sent to the House for Consideration.

HB 266 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 266 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO APPEALS FROM BOARDS OF ASSESSMENT.

Roll call vote on **HB 266** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

HB 266 was declared passed the Senate and returned to the House.

HB 477 was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

HB 477 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION.

Roll call vote on **HB 477** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

HB 477 was declared passed the Senate and returned to the House.

Addition to the agenda, committee and other legislative meetings were announced. The Secretary announced the agenda for June 13, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/12/02**

SB 412 - AN ACT TO AMEND CHAPTER 38, TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS AND TO MAKE CERTAIN CONFORMING AMENDMENTS TO TITLES 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 19, 22, 24, 25 AND 30 OF THE DELAWARE CODE. Sponsor: Sen. Adams; Stone, Rep. Valihura; **Banking**.

SB 413 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE. Sponsor: Sen. Adams; Stone, Rep. Valihura; **Banking**.

HB 291 w/HA 1, HA 2 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SAFETY. Sponsor: Rep. Lee; B. Ennis, Reps. Spence, Smith, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lofink, Miro, Roy, Valihura, Wagner, Van Sant, DiLiberto, Houghton, Keeley, Plant; Sens. Bunting, Cloutier; **Education**.

HB 323 w/HA 1 - AN ACT TO AMEND CHAPTER 40, TITLE 14 OF THE DELAWARE CODE RELATING TO THE PUBLIC SCHOOL EMPLOYMENT RELATIONS ACT. Sponsor: Rep. Oberle; DeLuca, Cathcart, D. Ennis, Spence, Maier, Miro, Reynolds, Ulbrich, Gilligan, Van Sant, Brady, DiLiberto, B. Ennis, Keeley, Mulrooney, Plant, Price, Schroeder, Viola, West; Sens. Connor, Simpson, Still, Winslow, McDowell, Blevins, Sokola; **Judiciary**.

HB 500 w/HA 1 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX AND A VETERANS' HOME. Sponsor: Rep. Price; Spence, Rep. DiLiberto & Rep. Keeley & Rep. Viola & Sen. Bunting; Reps. Boulden, Brady, Buckworth, Carey, Cathcart, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Hudson, Lavelle, Lee, Lofink, Maier, Mulrooney, Plant, Reynolds, Schroeder, Stone, Scott, Thornburg, Ulbrich, Valihura, Van Sant, Williams; Sens. Blevins, Bonini, Cloutier, Connor, Sokola, Venables; **Revenue & Taxation**.

* * *

On motion of Senator Adams, the Senate recessed at 05:14 PM until June 13, 2002 at 02:00 PM.

The Senate reconvened at 02:15 PM on June 13, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 53**.

The following committee reports were announced:

From Revenue and Taxation - **HB 492** - 3 Merits.

From Small Business: **SB 406** - 4 Merits.

From Energy: **SB 377** - 4 Merits.

Senator Blevins marked present.

At 02:17 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Thirty-ninth Legislative Day.

**39th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 13, 2002**

The Senate convened at 02:17 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Sokola marked present.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered:

McKenzie, John: 18 Senator(s) voting YES, 3 (Bonini, Cloutier, Still) ABSENT. Appointment was declared CONFIRMED.

Senator(s) Connor, McBride, McDowell and Sorenson marked present during the above roll call.

Smith, Terry: 18 Senator(s) voting YES, 3 (Bonini, Cloutier, Still) ABSENT. Appointment was declared CONFIRMED.

Fitchett, Lawrence: 19 Senator(s) voting YES, 2 (Cloutier, Still) ABSENT. Appointment was declared CONFIRMED.

Senator Bonini marked present during the above roll call.

Barton, Thomas: 20 Senator(s) voting YES, 1 (Still) ABSENT. Appointment was declared CONFIRMED.

Senator Cloutier marked present during the above roll call.

SB 194 was brought before the Senate for consideration on the motion of Senator Bunting.

SB 194 - AN ACT TO AMEND CHAPTER 70, TITLE 25 OF THE DELAWARE CODE RELATING TO THE MOBILE HOME LOTS AND LEASES ACT.

Senator Bunting requested the privilege of the floor for Art Shapiro and Edwin Speraw, representing the Delaware Manufactured Home Owners Association.

The witnesses were excused after addressing the Senate.

Senator Bunting requested the privilege of the floor for Charles Gallagher, representing the Delaware Manufactured Home Owners Association.

The witness was excused after addressing the Senate.

Senator Bunting requested the privilege of the floor for Robert C. Kotowski, representing himself, Camelot Neighbors Association and Delaware Manufactured Home Owners Association.

The witness was excused after addressing the Senate.

Senator Bunting requested the privilege of the floor for Alma L. Delp, representing Delaware Manufactured Home Owners Association.

The witness was excused after addressing the Senate.

Senator Bunting requested the privilege of the floor for Leonard Sears, Jr., representing the Delaware Manufactured Home Owners Association.

The witness was excused after addressing the Senate.

Senator Bunting requested the privilege of the floor for Susan Hehman, representing herself.

The witness was excused after addressing the Senate.

Senator Bunting requested the privilege of the floor for Richard W. Johnson, representing AARP Executive Council.

The witness was excused after addressing the Senate.

SA 1 to SB 194 was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested the privilege of the floor for Marion Fetterman, representing Reybold Homes, First State Manufactured Housing.

Several Senators questioned the witness.

Senator(s) Still marked present.

Several Senators continued to question the witness, after which the witness was excused.

Roll call vote on **SA 1 to SB 194** was taken and revealed:

YES: 5

NO: Senator(s) Adams, Blevins, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Still, Venables - 16.

SA 1 to SB 194 was Defeated.

SB 194 was now before the Senate.

Senator Amick requested the privilege of the floor for Andy Strine, representing First State Mfg. Housing Association.

Several Senators questioned the witness, after which the witness was excused.
Senator Bunting moved to lay **SB 194** on the Table. No objection.
Senator Bunting requested that **SB 208** be Stricken. No objection.
HB 424 was brought before the Senate for consideration on the motion of the floor manager, Senator Bunting.

HB 424 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS.

SA 1 to HB 424 was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to HB 424** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, McBride - 2.

SA 1 to HB 424 was declared part of the bill.

HB 424 w/SA 1 was now before the Senate.

Roll call vote on **HB 424 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

HB 424 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

SB 318 was brought before the Senate for consideration on the motion of Senator Adams.

SB 318 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JURISDICTION AND VENUE OF THE JUSTICE OF THE PEACE COURT.

Roll call vote on **SB 318** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Simpson - 2.

SB 318 was declared passed the Senate and sent to the House for Consideration.

SB 319 was brought before the Senate for consideration on the motion of Senator Adams.

SB 319 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO ORGANIZATION AND OPERATION OF THE JUSTICE OF THE PEACE COURT.

Roll call vote on **SB 319** was taken and revealed:

YES: 19

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

SB 319 was declared passed the Senate and sent to the House for Consideration.

SB 347 was brought before the Senate for consideration on the motion of Senator Adams.

SB 347 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO ENTRY OF DEFAULT JUDGMENTS IN THE JUSTICE OF THE PEACE COURT.

Senator Adams requested the privilege of the floor for Edward Davis, representing the Justice of the Peace.

The witness was excused after addressing the Senate.

Roll call vote on **SB 347** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 347 was declared passed the Senate and sent to the House for Consideration.

HB 446 w/HA 1 was brought before the Senate for consideration on the motion of Senator DeLuca.

HB 446 w/HA 1 - AN ACT TO AMEND TITLE 21 RELATING TO REGISTRATION AND CONTROL OF OFF-HIGHWAY VEHICLES.

Senator(s) Venables and Sokola commented.

Roll call vote on **HB 446 w/HA 1** was taken and revealed:

YES: 17

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

ABSENT: Senator(s) Bunting, Henry - 2.

HB 446 w/HA 1 was declared passed the Senate and returned to the House.

Senator Amick requested the personal privilege of the floor to introduce his wife and son that were seated in the Chamber.

HB 380 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 380 - AN ACT TO AMEND TITLE 14 AND TITLE 11 OF THE DELAWARE CODE RELATING TO TRUANCY.

Senator Sokola requested the privilege of the floor for Edward Davis, representing the Justice of the Peace.

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

Roll call vote on **HB 380** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

HB 380 was declared passed the Senate and returned to the House.

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:

SCR 32 - HONORING THE UNITED STATES FLAG AND THE VALUES IT REPRESENTS ON FLAG DAY, JUNE 14, 2002. Sponsor: Sen. McBride & Rep. Spence; On behalf of all Senators; On behalf of all Representatives.

HCR 53 - RECOGNIZING THE MONTH OF OCTOBER AS PSYCHOLOGICALLY HEALTHY WORK PLACE MONTH. Sponsor: Rep. Keeley

A roll call vote was taken on **SENATE CONSENT CALENDAR #12** and revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolution was returned to the House.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/13/02**

June 12, 2002

SB 414 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. Sponsor: Sen. Cook; McBride, Amick; Rep. Wagner & Roy; **Administrative Services**.

SB 415 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BIDDER PREQUALIFICATION REQUIREMENTS. Sponsor: Sen. Cook; Oberle, Reps. Roy & Gilligan; **Administrative Services**.

SB 416 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BID AND PERFORMANCE BONDS. Sponsor: Sen. Cook; Oberle, Reps. Roy & Gilligan; **Administrative Services**.

SB 417 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REPORTING REQUIREMENTS BY VENDORS. Sponsor: Sen. Cook; Oberle, Reps. Roy & Gilligan; **Administrative Services**.

SB 418 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENT OF BILLS FOR PUBLIC WORKS CONTRACTS AND PROMPT PAYMENT. Sponsor: Sen. Cook; Oberle, Reps. Roy & Gilligan; **Administrative Services**.

June 13, 2002

SA 1 to HB 424 - Sponsor: Sen. Bunting; Placed with the bill.

SA 1 to HB 460 - Sponsor: Sen. Sharp; Placed with the bill.

SA 1 to HJR 20 - Sponsor: Sen. Sokola; Placed with the bill.

SA 1 to SB 375 - Sponsor: Sen. Bunting; Placed with the bill.

SA 2 to HS 1 to HB 377 - Sponsor: Sen. Blevins; Placed with the bill.

SB 419 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS TAXES. Sponsor: Sen. Marshall; Hudson; **Revenue & Taxation**.

SB 420 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS. Sponsor: Sen. Marshall; Hudson; **Finance**.

SB 421 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES AND ENFORCEMENT. Sponsor: Sen. Marshall; Hudson; **Revenue & Taxation**.

SB 422 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF SEX OFFENDERS. Sponsor: Sen. Sokola; Hudson; Executive.

SB 423 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ARCHIVES. Sponsor: Sen. Cook; Smith; Administrative Services.

SB 424 - AN ACT TO AMEND TITLE 29, CHAPTER 69, OF THE DELAWARE CODE RELATING TO PREVAILING WAGE REQUIREMENTS IN PUBLIC CONSTRUCTION CONTRACTS. Sponsor: Sen. Marshall; Lofink; **Labor & Industrial Labor**.

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The Secretary announced the agenda for June 18, 2002.

At 05:35 PM on motion of Senator Adams, the Senate recessed until June 18, 2002 at 02:00 PM.

The Senate reconvened at 02:00 PM on June 18, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 551 w/HA 1; HB 534; HB 451 w/HA 1 aab HA 1; SCR 32; HB 523; HB 491 w/HA 1; HB 533 w/HA 1; SB 291 w/SA 2 & HA 2; HB 556 w/HA 2.**

The following committee reports were announced:

From Executive: **SB 358** - 6 Merits; **SB 401** - 6 Merits; **HB 296** - 4 Merits.

From Insurance and Election: **SB 398** - 4 Merits.

From Banking: **SB 411** - 4 Merits; **SB 412** - 4 Merits; **SB 413** - 4 Merits.

From Administrative Services: **SB 414** - 4 Merits; **SB 415** - 4 Merits; **SB 416** - 4 Merits; **SB 417** - 4 Merits; **SB 418** - 4 Merits; **SB 423** - 4 Merits.

From Public Safety: **HB 242** - 4 Merits.

From Judiciary: **HS 1 to HB 385** - 4 Merits.

From Revenue and Taxation: **HB 500** - 3 Merits.

At 02:20 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Fortieth Legislative Day.

**40th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 18, 2002**

The Senate convened at 02:20 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Connor requested the personal privilege of the floor to introduce John Tracy who was seated in the chamber.

Senator Henry requested the personal privilege of the floor to introduce four Girl Scout troops that were in the balcony, after which Senator Henry requested the privilege of the floor for leader Robbin-Gates Lee and Girl Scout, Katelyn Williams.

The witnesses were excused after addressing the Senate.

SB 404 was brought before the Senate for consideration on the motion of Senator Sokola.

SB 404 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY.

Senator Connor commented.

Roll call vote on **SB 404** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

SB 404 was declared passed the Senate and sent to the House for Consideration.

Senator(s) Amick, Blevins, Cloutier, Marshall and McBride marked present during the above roll call.

HS 1 to HB 377 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HS 1 to HB 377 - AN ACT TO AMEND TITLES 16 AND 20 OF THE DELAWARE CODE RELATING TO EMERGENCIES AND PUBLIC HEALTH.

SA 1 to HS 1 to HB 377 was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Blevins requested the privilege of the floor for Matt Denn, representing the Governor's office.

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

Roll call vote on **SA 1 to HS 1 to HB 377** was taken and revealed:

YES: 19

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

SA 1 to HS 1 to HB 377 was declared part of the bill.

Senator Venables marked present during the above roll call.

SA 2 to HS 1 to HB 377 was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 2 to HS 1 to HB 377** was taken and revealed:

YES: 21

SA 2 to HS 1 to HB 377 was declared part of the bill.

HS 1 to HB 377 w/HA 2, HA 3, HA 4, HA 5 & SA 1, SA 2 was now before the Senate.

Senator Venables commented.

Senator Blevins requested the privilege of the floor once again for Matt Denn, representing the Governor's office.

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

Roll call vote on **HS 1 to HB 377 w/HA 2, HA 3, HA 4, HA 5 & SA 1, SA 2** was taken and revealed:

YES: 18

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

NOT VOTING: Senator(s) Bunting - 1.

HS 1 to HB 377 w/HA 2, HA 3, HA 4, HA 5, SA 1 & SA 2 was declared passed the Senate and was returned to the House for Reconsideration.

HB 445 was brought before the Senate for consideration on the motion of Senator Blevins.

HB 445 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, PERTAINING TO A REPORT OF THE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION.

Roll call vote on **HB 445** was taken and revealed:

YES: 21

HB 445 was declared passed the Senate and returned to the House.

HB 315 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HB 315 w/HA 1 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, TO PROVIDE FOR THE UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT.

SA 1 to HB 315 was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Bonini commented.

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

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

Roll call vote on SA 1 to HB 315 was taken and revealed:

YES: 20

NOT VOTING: Senator(s) Still - 1.

SA 1 to HB 315 was declared part of the bill.

HB 315 w/HA 1 & SA 1 was now before the Senate.

Roll call vote on HB 315 w/HA 1 & SA 1 was taken and revealed:

YES: 21.

HB 315 w/HA 1 & SA 1 was declared passed the Senate and sent to the House for Reconsideration.

SB 365 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 365 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO GUARDIANSHIP OF A CHILD IN FAMILY COURT.

SA 1 to SB 365 was brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on SA 1 to SB 365 was taken and revealed:

YES: 21

SA 1 to SB 365 was declared part of the bill.

SB 365 w/SA 1 was now before the Senate.

Roll call vote on SB 365 w/SA 1 was taken and revealed:

YES: 19

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

SB 365 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

HB 522 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HB 522 w/HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE REGARDING SUBSTITUTION OF DRUGS.

Senator Amick commented.

Senator Adams requested the privilege of the floor for Jack Murphy, representing Board of Pharmacy, Happy Harry's Pharmacies.

The witness was excused after addressing the Senate.

Roll call vote on HB 522 w/HA 1 was taken and revealed:

YES: 21

HB 522 w/HA 1 was declared passed the Senate and returned to the House.

Senator Adams moved to recess for Party Caucus at 03:25 PM.

The Senate reconvened at 04:49 PM with Lt. Governor Carney presiding.

Lt. Governor Carney introduced his parents and father-in-law.

SB 386 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 386 - AN ACT TO AMEND CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE RELATED TO STATE PROCUREMENT TO AUTHORIZE THE PROCUREMENT OF PROFESSIONAL SERVICES BY COOPERATIVE AGREEMENT.

Senator Still commented.

Senator Blevins requested the privilege of the floor for Dana Jefferson, Ph.D. representing State Personnel Office.

The witness was excused after addressing the Senate.

Roll call vote on SB 386 was taken and revealed:

YES: 21

SB 386 was declared passed the Senate and sent to the House for Consideration.

SB 399 was brought before the Senate for consideration on the motion of Senator McBride.

SB 399 - AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO EMERGENCY ORDERS.

Senator Bonini commented.

Senator McBride requested the privilege of the floor for Kevin Donnelly, representing DNREC - Division of Water Resources.

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

Roll call vote on SB 399 was taken and revealed:

YES: 21

SB 399 was declared passed the Senate and sent to the House for Consideration.

Senator Sharp requested that **HB 556 w/HA 2** be Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules.

SA 1 to HB 556 was brought before the Senate for consideration on the motion of Senator Sharp.

Senator Bonini commented.

Senator Sharp requested the privilege of the floor for Frank Calio, representing Delaware Department of Elections.

Senator Sharp also requested the privilege of the floor for Richard Carter, Senate Majority Administrative Assistant.

Senator(s) Bunting and Cook questioned the witnesses, after which the witnesses were excused.

Roll call vote on **SA 1 to HB 556** was taken and revealed:

YES: 21

SA 1 to HB 556 was declared part of the bill.

HB 556 w/HA 2 & SA 1 was now before the Senate.

Roll call vote on **HB 556 w/HA 2 & SA 1** was taken and revealed:

YES: 21

HB 556 w/HA 2 & SA 1 was declared passed the Senate and sent to the House for Reconsideration.

SB 380 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 380 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE INSTITUTIONAL RELEASE CLASSIFICATION BOARD.

Roll call vote on **SB 380** was taken and revealed:

YES: 21

SB 380 was declared passed the Senate and sent to the House for Consideration.

HB 324 was brought before the Senate for consideration on the motion of the floor manager, Senator Sharp.

HB 324 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT.

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

YES: 21

HB 324 was declared passed the Senate and returned to the House.

HB 406 w/HA 1 & HA 5 was brought before the Senate for consideration on the motion of the floor manager, Senator Sharp.

HB 406 w/HA 1 & HA 5 - AN ACT TO AMEND TITLE 6 RELATING TO BUILDING CONSTRUCTION PAYMENTS.

Roll call vote on **HB 406 w/HA 1 & HA 5** was taken and revealed:

YES: 20

ABSENT: Senator(s) Simpson - 1.

HB 406 w/HA 1 & HA 5 was declared passed the Senate and returned to the House.

SB 312 was brought before the Senate for consideration on the motion of Senator Amick.

SB 312 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS AND THE COUNCIL OF THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS.

SA 1 to SB 312 was brought before the Senate for consideration on the motion of Senator Amick.

Roll call vote on **SA 1 to SB 312** was taken and revealed:

YES: 20

ABSENT: Senator(s) Simpson - 1.

SA 1 to SB 312 was declared part of the bill.

SB 312 w/SA 1 was now before the Senate.

Several Senators commented.

Roll call vote on **SB 312 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Simpson - 1.

SB 312 w/SA 1 was declared passed the Senate and sent to the House for Consideration.

Senator Amick requested the personal privilege of the floor to introduce the former Representative Jack Billingsly.

Additions to the agenda, committee and other legislative meeting were announced.
The Secretary announced the agenda for June 19, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/18/02**

June 13, 2002

SB 425 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN, AND PROVIDING 'CREDITED SERVICE' FOR UNUSED SICK LEAVE. Sponsor: Sen. Cook; Oberle, Sens. DeLuca, Vaughn, & Winslow; Reps. Ulbrich, DiPinto, & B. Ennis; **Finance**.

SB 426 - AN ACT TO AMEND TITLE 11 AND TITLE 29, DELAWARE CODE, RELATING TO THE TYPES OF ROLLOVERS ACCEPTED IN THE DELAWARE PUBLIC EMPLOYEES' RETIREMENT SYSTEM. Sponsor: Sen. Cook; Oberle, Sens. DeLuca & Vaughn; Rep. DiPinto; **Finance**.

June 18, 2002

SA 1 to HB 323 - Sponsor: Sen. Venables; Placed with the bill.

SA 1 to SB 337 - Sponsor: Sen. Henry; Placed with the bill.

SA 2 to SB 358 - Sponsor: Sen. Sorenson; Placed with the bill.

SB 427 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATED TO COMMERCE AND TRADE AND THE DELAWARE RESIDENTIAL WATER TREATMENT SYSTEMS SALES ACT. Sponsor: Sen. Vaughn; Quillen; **Natural Resources & Environmental Control**.

SB 428 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING FOR CRIMINAL OFFENSES. Sponsor: Sen. Vaughn; Ewing; **Adult & Juvenile Corrections**.

SB 429 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. Sponsor: Sen. Amick; Schroeder, Rep. Ulbrich; **Administrative Services**.

HB 451 w/HA 1 aab HA 1 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE POLICE. Sponsor: Rep. Spence; **Finance**.

HB 491 w/HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PHARMACY. Sponsor: Rep. Wagner; Blevins, Reps. D. Ennis, Ewing, Maier, Miro, Quillen, Reynolds, Brady, Houghton, Plant, Williams; **Health & Social Services**.

HB 523 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPOSAL OF STATE-OWNED EQUIPMENT. Sponsor: Rep. Gilligan; Roy, Sen. Cook; Reps. Keeley, Schroeder; **Administrative Services**.

HB 533 w/HA 1 - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO THE PROVISIONS OF CAPITAL PROJECT COORDINATOR SERVICES TO SCHOOL DISTRICTS. Sponsor: Rep. Wagner; Cook; **Administrative Services**.

HB 534 - AN ACT TO AMEND TITLE 10 & 11 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE, FINES, COSTS, PENALTIES AND FORFEITURES AND THE RELEASE OF PERSONS ACCUSED OF CRIMES. Sponsor: Rep. Wagner; Cook, Reps. Buckworth, Cathcart, D. Ennis, Hudson, Lofink, Maier, Quillen, Brady, B. Ennis; **Finance**.

HB 551 w/HA 1 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION OFFICERS. Sponsor: Rep. Lavelle; Smith, Sen. Sokola; Reps. Caulk, DiPinto, B. Ennis, Hudson, Lofink, Plant, Quillen, Wagner; Sen. Sorenson; **Judiciary**.

HB 556 w/HA 2 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISTRICT BOUNDARIES OF GENERAL ASSEMBLY HOUSE OF REPRESENTATIVE AND SENATE DISTRICTS AND AUTHORIZING COUNTY GOVERNMENTS AND THE CITY OF WILMINGTON TO AMEND COUNCILMANIC AND LEVY COURT DISTRICT LINES. Sponsor: Rep. Spence; Sharp & Rep. Smith & Rep. Lee & Sen. Adams & Sen. Marshall; **LOT**.

HCR 52 - REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE COMPARABILITY, EQUITY AND APPLICATION OF OTHER INDICATORS OF STUDENT PERFORMANCE. Sponsor: Rep. Oberle; Sokola, Reps. Smith, Lee, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, Van Sant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, Viola, West; **Education**.

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

Tjark A. Bateman
5 Lake Avenue
Rehoboth Beach, DE 19971

To be appointed a member of the Environmental Appeals Board to serve a term to expire 3 years from Senate confirmation.

Ralph Adkins
13 Ringed Neck Lane
Wyoming, DE 19934

To be appointed Chair of the Board of Pension Trustees to serve at the Pleasure of the Governor From Senate confirmation.

Holly Ann Firuta
2707 South Bayshore Drive
Milton, DE 19968

To be appointed a member of the Advisory Council on Tidal Finfisheries to serve a term to expire 5 years from Senate confirmation.

John M. Maiorano
32 South Cliffe Drive
Wilmington, DE 19809-1601

To be reappointed a member of the Delaware Technical & Community College Board of Trustees to serve a Term to expire 3 years from Senate confirmation.

Suzanne Moore
1013 Barley Drive
Wilmington, DE 19807

To be reappointed a member of the Delaware Technical & Community College Board of Trustees to serve a term to expire 3 years form Senate confirmation.

* * *

On motion of Senator Adams, the Senate recessed at 05:55 PM until June 19, 2002 at 02:00 PM.

The Senate reconvened at 02:59 PM on June 19, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 558; HB 488; HB 515; HB 510; HB 466; HB 44 w/HA 1; SB 298 w/SA 1; SB 321; SB 355 w/SA 1; HB 528 w/HA 1, 2 & 3; HB 507 w/HA 1; HB 527; HCR 56; HB 481; HB 536; HB 55; SB 369; HB 521.**

The following committee reports were announced:

From Executive: **Ralph Adkins**, 4 Merits; **Tjark Bateman** - 4 Merits; **Holly Firuta** - 4 Merits; **John Maiorano** - 4 Merits; **Suzanne Moore** - 1 Favorable, 3 Merits.

From Judiciary: **SB 89** - 4 Merits; **SB 89** - 4 Merits.

From Community/County Affairs: **SB 409** - 3 Merits; **HB 493** - 3 Merits; **HB 497** - 3 Merits.

From Revenue and Taxation: **SB 419** - 3 Merits; **SB 421** - 3 Merits.

From Finance: **SB 425** - 5 Merits; **SB 403** - 5 Merits; **SB 426** - 5 Merits; **SB 18** - 5 Merits; **HB 437** - 5 Merits; **HB 451** - 5 Merits; **SB 360** - 5 Merits.

From Education: **SJR 15** - 3 Merits; **HB 503** - 3 Merits; **HCR 52** - 3 Merits.

From Public Safety: **HB 463** - 3 Merits; **HB 473** - 3 Merits.
From Children, Youth and their Families: **SB 47** - 4 Merits; **SB 255** - 4 Merits; **HB 362** - 3 Merits.

At 03:05 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Forty-first Legislative Day.

**41st LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 19, 2002**

The Senate convened at 03:05 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Senator Simpson requested the privilege of the floor to introduce the 2002 Girl State attendees, which were seated in the balcony.

SCR 34 was introduced and brought before the Senate for consideration on the motion of Senator Simpson.

SCR 34 - HONORING THE YOUNG WOMEN FROM ACROSS THE STATE OF DELAWARE PARTICIPATING IN THE 2002 SESSION OF DELAWARE'S GIRLS' STATE. Sponsor: Sen. Simpson; On behalf of all Senators; Rep. Lee; On behalf of all Representatives.

Roll call vote on **SCR 34** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

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

SCR 34 was declared Adopted by the Senate and sent to the House for Consideration.

Senator Vaughn requested the personal privilege of the floor to introduce the former Senator Pete Hughes, which was seated in the Chamber.

Lt. Governor Carney introduced the Girl State officers present with him on the podium.

Senator Adams moved to recess at 03:15 PM for group photos of the Senate members.

The Senate reconvened at 03:27 PM with Lt. Governor Carney presiding.

SB 285 was brought before the Senate for consideration on the motion of Senator Marshall.

SB 285 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO TITLE LOANS AND CONSUMER COMPLAINTS.

SA 1 to SB 285 was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to SB 285** was taken and revealed:

YES: 21

SA 1 to SB 285 was declared part of the bill.

SB 285 w/SA 1 was now before the Senate.

Several Senators question the sponsor, after which Senator Marshall requested the privilege of the floor for Robert Glenn, State Bank Commissioner.

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

Roll call vote on **SB 285 w/SA 1** was taken and revealed:

YES: 21

SB 285 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

Senator Sharp requested the personal privilege of the floor to introduce Mayor James Baker of Wilmington.

HB 465 was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HB 465 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO FAIR SHARE FEES AND THE PUBLIC EMPLOYMENT RELATIONS ACT.

Senator Bonini questioned the floor manager, after which Senator Marshall requested the privilege of the floor for Michael Begatto, representing Delaware Public Employee Council 81.

The witness was excused after addressing the Senate.

Roll call vote on **HB 465** was taken and revealed:

YES: 21

HB 465 was declared passed the Senate and returned to the House.

SB 411 was brought before the Senate for consideration on the motion of Senator Adams.

SB 411 - AN ACT TO AMEND CHAPTER 38, TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS.

Senator Adams requested the privilege of the floor for Eric Mazie, representing Delaware Bar Association.

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

Roll call vote on **SB 411** was taken and revealed.

YES: 21

SB 411 was declared passed the Senate and sent to the House for Consideration.

SB 412 was brought before the Senate for consideration on the motion of Senator Adams.

SB 412 - AN ACT TO AMEND CHAPTER 38, TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS AND TO MAKE CERTAIN CONFORMING AMENDMENTS TO TITLES 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 19, 22, 24, 25 AND 30 OF THE DELAWARE CODE.

Senator Adams requested the privilege of the floor for Eric Mazie, representing Delaware Bar Association.

Senator(s) Sokola, McDowell and Winslow questioned the witness, after which the witness was excused.

Roll call vote on **SB 412** was taken and revealed:

YES: 21

SB 412 was declared passed the Senate and sent to the House for Consideration.

SB 413 was brought before the Senate for consideration on the motion of Senator Adams.

SB 413 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE.

Roll call vote on **SB 413** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1.

SB 413 was declared passed the Senate and sent to the House for Consideration.

HB 296 w/HA 1 & HA 2 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HB 296 w/HA 1 & HA 2 - AN ACT TO AMEND TITLE 21 RELATING TO RULES OF THE ROAD.

Senator Adams requested that **SA 1 to HB 296** be Stricken. No objection.

Senator Adams requested the privilege of the floor for Lisa Moore, representing Office of Highways Safety.

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

Senator Sorenson commented.

Roll call vote on **HB 296 w/HA 1 & HA 2** was taken and revealed:

YES: 21

HB 296 w/HA 1 & HA 2 was declared passed the Senate and sent to the House for Reconsideration.

HB 500 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HB 500 w/HA 1 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX AND A VETERANS' HOME.

Senator(s) McDowell and Bunting commented.

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.

SB 267 was brought before the Senate for consideration on the motion of Senator Cook.

SB 267 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

SA 1 to SB 267 was brought before the Senate for consideration on the motion of Senator Cook.

Roll call vote on **SA 1 to SB 267** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall - 1.

SA 1 to SB 267 was declared part of the bill.

SB 267 w/SA 1 was now before the Senate.

Senator Cook requested the privilege of the floor for Howard Sholl, Jr., Department of Elections for New Castle County.

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

Roll call vote on **SB 267 w/SA 1** was taken and revealed:

YES: 21

SB 267 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

Senator Blevins requested that **SB 115 w/SA 1** be Lifted from the Table and brought before the Senate for Consideration.

SA 2 to SB 115 was brought before the Senate for consideration on the motion of Senator Amick.

Roll call vote on **SA 2 to SB 115** was taken and revealed:

YES: 21

SA 2 to SB 115 was declared part of the bill.

SB 115 w/SA 1 & SA 2 was now before the Senate.

Senator(s) Bonini and McDowell commented.

Roll call vote on **SB 115 w/SA 1 & SA 2** was taken and revealed:

YES: 21

SB 115 w/SA 1 & SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

HB 181 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

HB 181 w/HA 1 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT PAYMENTS.

SA 1 to HB 181 was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to HB 181** was taken and revealed:

YES: 20

NO: Senator(s) Simpson - 1.

SA 1 to HB 181 was declared part of the bill.

HB 181 w/HA 1 & SA 1 was now before the Senate.

Roll call vote on **HB 181 w/HA 1 & SA 1** was taken and revealed:

YES: 21

HB 181 w/HA 1 & SA 1 was declared passed the Senate and sent to the House for Reconsideration.

SB 401 was brought before the Senate for consideration on the motion of Senator Amick.

SB 401 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ALTERNATIVE EDUCATIONAL FACILITIES.

Senator(s) McDowell and Still commented.

Roll call vote on **SB 401** was taken and revealed:

YES: 17

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

NOT VOTING: Senator(s) Bunting, Sharp - 2.

SB 401 was declared passed the Senate and sent to the House for Consideration.

SB 358 was brought before the Senate for consideration on the motion of Senator Sorenson.

SB 358 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE.

Senator Sorenson requested that **SA 1 to SB 358** be Stricken. No objection.

SA 2 to SB 358 was brought before the Senate for consideration on the motion of Senator Sorenson.

Senator Sokola commented.

Roll call vote on SA 2 to SB 358 was taken and revealed:

YES: 21

SA 2 to SB 358 was declared part of the bill.

SB 358 w/SA 2 was now before the Senate.

Senator Bonini questioned the sponsor, after which Senator Sorenson requested Lisa Moore, representing Office of Highway Safety.

The witness was excused after addressing the Senate.

Senator McDowell commented.

Roll call vote on SB 358 w/SA 2 was taken and revealed:

YES: 21

SB 358 w/SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

Senator Bunting requested that SB 430 be Lifted from the Table and brought before the Senate for Consideration.

SA 1 to SB 430 was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on SA 1 to SB 430 was taken and revealed:

YES: 21

SA 1 to SB 430 was declared part of the bill.

Senator Bunting requested that the necessary rules be suspended to consider SB 430.

No objection. However, a new roll call on SA 1 to SB 430 was deemed necessary. Thus, SA 1 to SB 430 was reconsidered, previous roll call rescinded, and the new roll call taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson - 1.

SB 430 w/SA 1 was now before the Senate.

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

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

Senator Bunting requested the privilege of the floor for Richard Carter, Senator Majority staff.

The witness was excused after addressing the Senate.

Roll call vote on SB 430 w/ SA 1 was taken and revealed:

YES: 21

SB 430 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

HB 366 w/HA 1 was brought before the Senate for consideration on the motion of Senator Vaughn.

HB 366 w/HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS.

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

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

Senator Vaughn requested the privilege of the floor for Arthur Ericson, representing the Division of Motor Vehicles.

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

Senator Vaughn moved to lay HB 366 w/HA 1 on the Table. No objection.

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

The Secretary announced the agenda for June 20, 2002.

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

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/19/02**

June 18, 2002

SB 430 - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR WATER UTILITIES. Sponsor: Sen. Bunting; **LOT**.

SA 1 to SB 430 - Sponsor: Sen. Bunting; Placed with the bill.

June 19, 2002

SB 433 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE LICENSING OF PROFESSIONAL INSURANCE PERSONNEL. Sponsor: Sen. Sharp; Smith; **LOT**.

SB 436 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO FEES, COSTS, AND CHARGES TO BE COLLECTED BY THE INSURANCE COMMISSIONER. Sponsor: Sen. Sharp; Smith; **LOT**.

SA 1 to SB 285 - Sponsor: Sen. Marshall; Placed with the bill.

SA 1 to SB 267 - Sponsor: Sen. Cook; Placed with the bill.

SA 1 to HB 296 - Sponsor: Sen. Adams; Placed with the bill.

SB 431 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO ADJUDICATION, DISPOSITION FOLLOWING ADJUDICATION, AND COMMITMENT TO CUSTODY OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES. Sponsor: Sen. Henry; McDowell, Rep. Keeley; **Children; Youth & Families**.

SB 432 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE BONDING REQUIREMENT FOR THE SECRETARY OF STATE. Sponsor: Sen. Adams; Ewing; **Executive**.

HB 4 w/HA 2 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DNA ANALYSIS AND DATA BANK. Sponsor: Rep. Ewing; Buckworth; **Adult & Juvenile Corrections**.

HB 466 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD. Sponsor: Rep. Valihura; Reps. Boulden, Brady, Cathcart, DiPinto, B. Ennis, Ewing, Keeley, Lavelle, Lofink, Price, Quillen; Sens. Bonini, Henry, McDowell, Sorenson, Winslow; **Judiciary**.

HB 488 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF LANDSCAPE ARCHITECTURE. Sponsor: Rep. Ulbrich; DeLuca, Reps. Hudson, Thornburg, Valihura, DiLiberto, Keeley; Sens. Bunting, Sokola, Simpson, Still; **Sunset**.

HB 510 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE TECHNOLOGY INVESTMENT COUNCIL. Sponsor: Rep. Roy; McBride; **Executive**.

HB 515 - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO PARKING AUTHORITIES. Sponsor: Rep. DiPinto; **Community/County Affairs**.

HB 521 - AN ACT TO AMEND TITLE 21 RELATING TO MOTOR VEHICLES AND SPECIAL REGISTRATION PLATES. Sponsor: Rep. Schroeder; Reps. Brady, Buckworth, Carey, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Keeley, Lavelle, Lee, Lofink, Miro, Price, Spence, Wagner, West; Sen. Bunting; **Judiciary**.

HB 558 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION. Sponsor: Rep. Spence; Reynolds & Sen. McBride; Rep. Lavelle; **Education**.

HB 481 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JUSTICES OF THE PEACE AND THE SENTENCES FOR MISDEMEANORS. Sponsor: Rep. Valihura; Keeley & Sen. Winslow & Sen. Cloutier; Reps. DiPinto, Hudson, Lavelle, Miro, Reynolds, Smith, Ulbrich, Wagner; Sen. Simpson; **Judiciary**.

HB 507 w/HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH QUALITY ASSURANCE IN THE OPERATION

OF HOME HEALTH AGENCY PROGRAMS. Sponsor: Rep. Oberle; Blevins, Rep. Maier; **Health & Social Services**.

HB 527 - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO PERSONS WITH DISABILITIES. Sponsor: Rep. Valihura; Henry; **Executive**.

HB 528 w/HA 1, HA 2, HA 3 - AN ACT TO AMEND TITLES 10, 11, AND 16 OF THE DELAWARE CODE RELATING TO THE CHILD PROTECTION REGISTRY AND CRIMINAL BACKGROUND CHECKS. Sponsor: Rep. Ulbrich; McDowell, Rep. Price & Sen. Cloutier; **Children; Youth & Families**.

HB 536 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO TITLE INSURANCE. Sponsor: Rep. Stone; Cook; **Insurance & Elections**.

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

Pamela A. Darling 495 Darling Farm Road Wyoming, DE 19934	To be appointed Justice of the Peace for Kent County to serve a 4 years term from date of swearing in.
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On motion of Senator Adams, the Senate recessed at 05:53 PM until June 20, 2002 at 02:00 PM.

The Senate reconvened at 02:37 PM on June 20, 2002 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Executive: **Cheryl Stallmann** - 5 Merits; **Pamela Darling** - 5 Merits.

From Judiciary: **HB 108** - 3 Merits.

From Finance: **SB 275** - 5 Merits.

From Natural Resources: **SB 427** - 3 Merits.

From Public Safety: **HB 447** - 4 Merits.

From Education: **HB 558** - 4 Merits; **HJR 20** - 4 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 557; SB 330; SB 361; SB 362; SB 363; SB 364; SB 353; SB 338 w/HA 2; HB 516; HB 517; HB 518; HB 519; HB 520; SB 395; SB 389; SB 390; SB 391 w/SA 1; SB 392; SB 394; SB 341 w/SA 2; SB 356; SB 324; SB 308; HB 553; HCR 58; SB 371 w/SA 1, HA 1 & HA 2; SS 1 to SB 273 w/SA 2, 3 & HA 1; HCR 54; SCR 33; SCR 34.**

SENATE CITATION ANNOUNCEMENT #5, S141-486 - S141-659 inclusive was introduced and a copy made available to each Senator.

At 02:42 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Forty-second Legislative Day.

**42nd LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 20, 2002**

The Senate convened at 02:42 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

HCR 58 was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

HCR 58 - RECOGNIZING THE MANY CONTRIBUTIONS OF DUPONT TO ECONOMIC GROWTH AND PROSPERITY IN DELAWARE. Sponsor: Rep. D. Ennis & Rep. Fallon; On behalf of all Representatives & Sen. Adams & Sen. McDowell & Sen. Venables; On behalf of all Senators.

Roll call vote on **HCR 58** was taken and revealed:

YES: 21

HCR 58 was declared Adopted by the Senate and was returned to the House.

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

Senator Sharp requested that **SB 433** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

Senator Sharp requested the privilege Jacqueline F. Brown, representing the Delaware Insurance Department and Steve Kubico, representing the Controller General office.

Senator(s) Still and Winslow questioned the witnesses, after which the witnesses were excused.

Roll call vote on **SB 433** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

SB 433 was declared passed the Senate and sent to the House for Consideration.

Senator Sharp requested that **SB 436** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

Roll call vote on **SB 436** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

SB 436 was declared passed the Senate and sent to the House for Consideration.

HB 516 was brought before the Senate for consideration under the suspension of the necessary rules, on motion of the floor manager, Senator Vaughn.

HB 516 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

Sponsor: Rep. DiPinto; Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow.

Roll call vote on **HB 516** was taken and revealed:

YES: 21.

HB 516 was declared passed the Senate and returned to the House.

HB 517 was introduced and brought before the Senate for consideration under the suspension of the necessary rules on motion of the floor manager, Senator Vaughn.

HB 517 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

Sponsor: Rep. DiPinto; Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow.

Roll call vote on **HB 517** was taken and revealed:

YES: 21.

HB 517 was declared passed the Senate and returned to the House.

HB 518 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Vaughn.

HB 518 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

Sponsor: Rep. DiPinto; Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow.

Roll call vote on **HB 518** was taken and revealed:

YES: 21

HB 518 was declared passed the Senate and returned to the House.

HB 519 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Vaughn.

HB 519 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE BY CODIFYING A SECTION OF THE FISCAL YEAR 2002 BUDGET ACT. Sponsor:

Rep. DiPinto; Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow.

Senator McDowell commented.

Roll call vote on **HB 519** was taken and revealed:

YES: 21

HB 519 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 Vaughn.

HB 520 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

Sponsor: Rep. DiPinto; Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow.

Roll call vote on **HB 520** was taken and revealed:

YES: 21

HB 520 was declared passed the Senate and returned to the House.

SB 406 was brought before the Senate for consideration on the motion of Senator Venables.

SB 406 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO DREDGING AND BEACHES.

SA 1 to SB 406 was brought before the Senate for consideration on the motion of Senator Venables.

Senator McBride commented.

Senator Venables requested a letter from Sec. DiPasquale be read into the record. No objection. A copy of this communication is on file for this legislative day.

Senator Venables requested the privilege of the floor for David Small, representing DNREC.

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

Roll call vote on **SA 1 to SB 406** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Winslow - 1.

ABSENT: Senator(s) Marshall - 1.

SA 1 to SB 406 was declared part of the bill.

SB 406 w/SA 1 was now before the Senate.

Roll call vote on **SB 406 w/SA 1** was taken and revealed:

YES: 18

NO: Senator(s) Cloutier, Connor, Winslow - 3.

SB 406 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

Senator Vaughn requested the personal privilege of the floor to introduce the two past President Pro Tempore, Senators Isaac and Cordrey.

SB 291 w/SA 2 & HA 2, which was returned from the House with an amendment, was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 291 w/SA 2 & HA 2 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

Senator Vaughn requested the privilege of the floor for Jennifer Davis, representing the Department of Transportation.

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

Roll call vote on **SB 291 w/SA 2 & HA 2** was taken and revealed:

YES: 19

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

SB 291 w/SA 2 & HA 2 was declared passed the Senate as amended and sent to the Governor.

SB 377 was brought before the Senate for consideration on the motion of Senator McDowell.

SB 377 - AN ACT TO AMEND TITLES 16 AND 21 RELATING TO THE DELAWARE PERSONAL MOBILITY AND VEHICULAR TRANSPORTATION ACCESS ACT.

SA 1 to SB 377 was brought before the Senate for consideration on the motion of Senator McDowell.

Senator McDowell requested the privilege of the floor for Tom McDonough and Beth Mollica, representing the University of Delaware.

Senator Connor questioned the witness, after which the witnesses introduced various people dependent upon wheel-chairs. The witnesses were excused.

Senator Blevins requested the privilege of the floor for Secretary Nathan Hayward, representing DelDOT.

The witness was excused after addressing the Senate.

Senator McDowell commented.

Senator McDowell moved to lay **SA 1 to SB 377** on the Table. No objection.

Senator McDowell moved to lay **SB 377** on the Table. No objection.

Senator Adams moved to recess for Party Caucus at 04:15 PM.

The Senate reconvened at 05:03 PM with Lt. Governor Carney presiding.

LEGISLATIVE ADVISORY #33 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 #33, dated June 20, 2002, the Governor signed the following legislation on the dates indicated:

SB #349 (6/10/02) – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN FORMA PAUPERIS. (Sponsors: Sen. Vaughn & Rep. Lee) (Volume 73, Chapter 276, Laws of Delaware.)

SB #351 (6/10/02) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICE OF THE CHILD ADVOCATE. (Sponsors: Sen. McDowell & Sen. Blevins; Reps. Maier, Valihura, Keeley) (Volume 73, Chapter 277, Laws of Delaware.)

SB #314 (6/12/02) – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT OBLIGATIONS. (Sponsors: Sen. Henry & Rep. Hudson) (Volume 73, Chapter 278, Laws of Delaware.)

SB #233 (6/13/02) – AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD CARE. (Sponsors: Sen. Sorenson & Rep. Buckworth & Sen. Bonini; Sens. Amick, Cloutier, Connor, McDowell, Simpson, Still, Winslow; Reps. Cathcart, DiLiberto, DiPinto, B. Ennis, D. Ennis, Fallon, Houghton, Maier, Mulrooney, Reynolds, Schroeder, Scott, Ulbrich, Valihura, Viola, Wagner) (Volume 73, Chapter 279, Laws of Delaware.)

HB #322 (6/17/02) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PSYCHOLOGISTS. (Sponsors: Rep. Ulbrich & Sen. DeLuca; Reps. Maier, Keeley, Price; Sens. Henry, Venables, Winslow) (Volume 73, Chapter 280, Laws of Delaware.)

HB #474 (6/17/02) – 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”, TO STRIKE A REFERENCE THAT THE TOWN MANAGER IS SELECTED ON A ONE YEAR BASIS. (Sponsors: Rep. West & Sen. Bunting) (Volume 73, Chapter 281, Laws of Delaware.)

SB #304 aab HA 1 (6/17/02) – AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE DELAWARE ASSOCIATION FOR THE BLIND. (Sponsors: Sen. Blevins & Rep. Hudson; Sen. Sokola; Reps. DiLiberto, Gilligan, Roy) (Volume 73, Chapter 282, Laws of Delaware.)

SB #339 (6/17/02) – AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SALE OF ABANDONED PROPERTY. (Sponsors: Sen. DeLuca & Rep. Spence & Rep. Wagner) (Volume 73, Chapter 283, Laws of Delaware.)

HB #260 (6/17/02) – AN ACT TO AMEND SECTION 49, CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO THE DURATION OF TAX LIENS. (Sponsors: Rep. Stone & Rep. Wagner & Sen. Still) (Volume 73, Chapter 284, Laws of Delaware.)

HB #278 aab SA 1 (6/17/02) – AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING AND THE PRONOUNCEMENT OF DEATH. (Sponsors: Rep. Maier & Sen. Cloutier; Reps. DiPinto, Miro, Stone; Sens. Amick, Henry, Winslow) (Volume 73, Chapter 285, Laws of Delaware.)

SB #231 aab HA 1 (6/17/02) – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE PENALTIES AND ENFORCEMENT OF PROHIBITIONS ON AFFIXING TOBACCO PRODUCT TAX STAMPS. (Sponsors: Sen. Blevins & Rep. Hudson) (Volume 73, Chapter 286, Laws of Delaware.)

SB #342 (6/17/02) – AN ACT TO AMEND CHAPTER 275, VOLUME 71, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE. (Sponsors: Sen. Blevins; Reps. Keeley, Maier, Oberle; Sens. McDowell, Bonini) (Volume 73, Chapter 287, Laws of Delaware.)

HB #266 (6/17/02) – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO APPEALS FROM BOARDS OF ASSESSMENT. (Sponsors: Rep. Wagner & Sen. Henry) (Volume 73, Chapter 288, Laws of Delaware.)

SB #242 (6/17/02) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BID BONDING REQUIREMENTS. (Sponsors: Sen. McBride; Reps. Buckworth, Ewing, Lofink, Oberle, Spence, Gilligan) (Volume 73, Chapter 289, Laws of Delaware.)

HB #556 aab HA 2 & SA 1 (6/19/02) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISTRICT BOUNDARIES OF GENERAL

ASSEMBLY HOUSE OF REPRESENTATIVE AND SENATE DISTRICTS AND AUTHORIZING COUNTY GOVERNMENTS AND THE CITY OF WILMINGTON TO AMEND COUNCILMANIC AND LEVY COURT DISTRICT LINES. (Sponsors: Rep. Spence & Sen. Sharp & Rep. Smith & Rep. Lee & Sen. Adams & Sen. Marshall) (Volume 73, Chapter 290, Laws of Delaware.)

The following amendment to the Delaware Constitution does not require the signature of Governor Minner:

HB #393 – AN ACT PROPOSING AN AMENDMENT TO ARTICLE 1, SUBSECTION 5 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO FREEDOM OF SPEECH. (Sponsors: Rep. DiLiberto; Reps. Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Hudson, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Plant, Price, Quillen, Reynolds, Schroeder, Scott, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, Van Sant, Viola, Wagner, West, Williams; Sens. Blevins, Bonini, DeLuca, Henry, Sokola, Winslow) (Volume 73, Chapter 291, Laws of Delaware.)

SS 1 to SB 273 w/SA 2, SA 3 & HA 1, which was returned from the House with an amendment, was brought before the Senate for reconsideration on the motion of Senator McBride.

SS 1 to SB 273 w/SA 2, SA 3 & HA 1 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ABOVEGROUND STORAGE TANKS.

Senator Adams questioned the sponsor, after which Senator McBride requested the privilege of the floor for Frank Murphy, Senate Attorney.

The witness was excused after addressing the Senate.

Roll call vote on **SS 1 to SB 273 w/SA 2, SA 3 & HA 1** was taken and revealed:

YES: 15

NO: Senator(s) Adams, Bonini, Bunting, Cook, Simpson - 5.

NOT VOTING: Senator(s) Vaughn - 1.

SS 1 to SB 273 w/SA 2, SA 3 & HA 1 was declared passed the Senate and was sent to the Governor.

SB 421 was brought before the Senate for consideration on the motion of Senator Marshall.

SB 421 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES AND ENFORCEMENT.

Roll call vote on **SB 421** was taken and revealed:

YES: 21

SB 421 was declared passed the Senate and sent to the House for Consideration.

SB 423 was brought before the Senate for consideration on the motion of Senator Cook.

SB 423 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ARCHIVES.

Senator Sharp commented.

Roll call vote on **SB 423** was taken and revealed:

YES: 21

SB 423 was declared passed the Senate and sent to the House for Consideration.

SB 414 was brought before the Senate for consideration on the motion of Senator Cook.

SB 414 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT.

Senator(s) Henry and Bonini questioned the sponsor, after which Senator Cook requested the privilege of the floor for Secretary Gloria W. Homer, representing Department of Administrative Services.

The witness was excused after addressing the Senate.

Roll call vote on **SB 414** was taken and revealed:

YES: 21

SB 414 was declared passed the Senate and sent to the House for Consideration.

SB 415 was brought before the Senate for consideration on the motion of Senator Cook.

SB 415 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BIDDER PREQUALIFICATION REQUIREMENTS.

Senator Sharp requested the privilege of the floor for Secretary Gloria W. Homer, representing Department of Administrative Services.

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

Senator Cook moved to lay **SB 415** on the Table. No objection.

SB 416 was brought before the Senate for consideration on the motion of Senator Cook.

SB 416 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BID AND PERFORMANCE BONDS.

SA 1 to SB 416 was brought before the Senate for consideration on the motion of Senator Cook.

Roll call vote on **SA 1 to SB 416** was taken and revealed:

YES: 21

SA 1 to SB 416 was declared part of the bill.

SB 416 w/SA 1 was now before the Senate.

Roll call vote on **SB 416 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables - 1.

SB 416 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 417 was brought before the Senate for consideration on the motion of Senator Cook.

SB 417 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REPORTING REQUIREMENTS BY VENDORS.

SA 1 to SB 417 was brought before the Senate for consideration on the motion of Senator Cook.

Roll call vote on **SA 1 to SB 417** was taken and revealed:

YES: 21

SA 1 to SB 417 was declared part of the bill.

SA 1 to SB 417 was now before the Senate.

Senator Cook requested the privilege of the floor once again for Secretary Gloria W. Homer, representing Department of Administrative Services.

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

Roll call vote on **SB 417 w/SA 1** was taken and revealed:

YES: 11

NO: Senator(s) Adams, Bonini, McDowell, Sharp, Vaughn, Venables - 6.

NOT VOTING: Senator(s) Blevins, DeLuca, Simpson, Still - 4.

SB 417 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.

Senator Sorenson requested that **SB 258** be Stricken. No objection.

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed

Legislation was introduced for the permanent record, partially read and copies were made available.

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

6/20/02

June 20, 2002

SA 1 to HB 362 - Sponsor: Sen. Amick; Placed with the bill.

SA 1 to SB 338 - Sponsor: Sen. Cook; Placed with the bill.

SA 1 to SB 360 - Sponsor: Sen. Vaughn; Placed with the bill.

SA 1 to SB 385 - Sponsor: Sen. Blevins; Placed with the bill.

SA 1 to SB 397 - Sponsor: Sen. Blevins; Placed with the bill.

SA 1 to SB 406 - Sponsor: Sen. Venables; Placed with the bill.

SA 1 to SB 416 - Sponsor: Sen. Cook; Placed with the bill.

SA 1 to SB 417 - Sponsor: Sen. Cook; Placed with the bill.

SA 2 to HJR 20 - Sponsor: Sen. Sokola; Placed with the bill.

SB 437 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL LIABILITY AND SENTENCING IN CERTAIN CASES.
Sponsor: Sen. Marshall; Cathcart; **Revenue & Taxation**.

SB 438 - AN ACT TO AMEND TITLES 10, 11, 16 AND 21 OF THE DELAWARE CODE RELATING TO FINES, COSTS AND ASSESSMENTS FOR TRAFFIC VIOLATIONS. Sponsor: Sen. Sharp; Ewing; **Judiciary**.

SB 439 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS AND BENEFITS FOR RETIRED STATE EMPLOYEES. Sponsor: Sen. Cook; Wagner, Sens. Vaughn, DeLuca & Winslow; Reps. Oberle, DiPinto & Smith; **Finance**.

June 20, 2002

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

Cheryl S. Stallmann 306 Chesapeake Canal Court Middletown, DE 19709	To be appointed Justice of the Peace New Castle County for a term to expire 4 years from date of swearing in.
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SA 1 to HB 329 - Sponsor: Sen. DeLuca; Placed with the bill

SA 1 to HB 473 - Sponsor: Sen. Henry; Placed with the bill

SA 1 to SB 18 - Sponsor: Sen. Amick; Placed with the bill

SA 1 to SB 255 - Sponsor: Sen. Cloutier; Placed with the bill

SA 1 to SB 427 - Sponsor: Sen. Vaughn; Placed with the bill.

SA 2 to SB 18 - Sponsor : Sen. Sorenson; Placed with the bill.

SB 440 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS. Sponsor: Sen. Marshall; Spence; **Judiciary**.

SB 441 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ACADEMIC PROMOTION REQUIREMENTS. Sponsor: Sen. Venables; **Education**.

HB 429 - AN ACT TO AMEND TITLES 14 AND 16 OF THE DELAWARE CODE RELATING TO FIRE DRILLS AND THE DUTIES OF THE STATE FIRE MARSHAL AND SCHOOL DISTRICTS IN THE STATE. Sponsor: Rep. Valihura; Reps. Buckworth, B. Ennis, Fallon, Houghton, Keeley, Lee, Maier, Mulrooney, Plant, West, Williams; **Education**.

HB 512 w/HA 1, HA 3 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO BLUE CRABS. Sponsor: Rep. Price; Reps. B. Ennis, Hudson, Spence; **Natural Resources & Environmental Control**.

HB 541 - AN ACT AMENDING TITLE 12, DELAWARE CODE RELATING TO TRUSTS. Sponsor: Rep. Stone; Valihura & Sen. Adams; **Banking**.

HB 542 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO FIDUCIARIES. Sponsor: Rep. Stone; Valihura & Sen. Adams; **Banking**.

HB 544 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO TRUSTS. Sponsor: Rep. Wagner; Henry, Reps. Caulk, DiPinto, D. Ennis, Ewing, Fallon, Lofink, Quillen, Reynolds, B. Ennis, Keeley, Price, Viola, West; **Finance**.

HB 550 w/HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION OFFICERS. Sponsor: Rep. Lavelle; Smith, Sen. Sokola; Reps. Carey, Caulk, DiPinto, Ewing, Hudson, Lee, Stone, Thornburg, Viola, Wagner; Sens. Cloutier, Connor, Simpson, Sorenson, Still; **Insurance & Elections**.

HB 553 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO VOTING PROCEDURE. Sponsor: Rep. Viola; Reps. Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Keeley, Maier, Miro, Mulrooney, Oberle, Plant, Price, Reynolds, Schroeder, Spence, Thornburg, Ulbrich, Valihura, Wagner, Williams; Sens. Blevins, Cloutier; **Finance**.

HB 557 - AN ACT TO AMEND TITLES 16 AND 30 OF THE DELAWARE CODE RELATING TO THE EMERGENCY REPORTING SYSTEM FUND AND PROCEDURES RELATING THERETO. Sponsor: Rep. DiPinto; Adams; **Administrative Services**.

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On motion of Senator Adams, the Senate recessed at 06:12 PM until June 25, 2002 at 02:00 PM.

The Senate reconvened at 02:17 PM on June 25, 2002 with Lt. Governor Carney presiding.

A communication from Senator Simpson was read into the record requesting to be added as an additional co-sponsor to **SB 397**.

LEGISLATIVE ADVISORY #34 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 #34, dated June 25, 2002, the Governor signed the following legislation on the dates indicated:

SB #298 aab SA 1 (6/20/02) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS. (Sponsors: Sen. Simpson & Rep. Schroeder; Sen. Venables) (Volume 73, Chapter 292, Laws of Delaware.)

SB #321 (6/20/02) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF PROFESSIONAL COUNSELORS OF MENTAL HEALTH. (Sponsors: Sen. DeLuca & Rep. Ulbrich; Sens. Henry, Venables, Winslow) (Volume 73, Chapter 293, Laws of Delaware.)

SB #355 aab SA 1 – (6/20/02) – AN ACT TO AMEND TITLE 29, CHAPTER 80 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON SHELLFISHERIES. (Sponsors: Sen. McBride & Rep. Quillen; Sens. Bunting, Venables, Connor; Reps. Carey, Price, West) (Volume 73, Chapter 294, Laws of Delaware.)

SB #363 (6/20/02) – AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF THE DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES. (Sponsors: Sen. Adams & Rep. Wagner; Rep. Valihura) (Volume 73, Chapter 295, Laws of Delaware.)

SB #394 (6/20/02) – AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS. (Sponsors: Sen. Adams & Rep. Wagner; Rep. Valihura) (Volume 73, Chapter 296, Laws of Delaware.)

SB #362 (6/20/02) – AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. (Sponsors: Sen. Adams & Rep. Wagner; Rep. Valihura) (Volume 73, Chapter 297, Laws of Delaware.)

SB #361 (6/20/02) – AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW. (Sponsors: Sen. Adams & Rep. Wagner; Rep. Valihura) (Volume 73, Chapter 298, Laws of Delaware.)

SB #308 (6/20/02) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PAROLE. (Sponsors: Sen. Vaughn & Rep. Lee; Sen. McDowell) (Volume 73, Chapter 299, Laws of Delaware.)

HB #324 (6/20/02) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT. (Sponsors: Rep. Lofink & Sen. McBride; Reps. Spence, Buckworth, Ewing, Oberle, Gilligan) (Volume 73, Chapter 300, Laws of Delaware.)

HB #380 (6/20/02) – AN ACT TO AMEND TITLE 14 AND TITLE 11 OF THE DELAWARE CODE RELATING TO TRUANCY. (Sponsors: Rep. Maier; Sen. Sokola) (Volume 73, Chapter 301, Laws of Delaware.)

HB #424 aab SA 1 (6/20/02) – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS. (Sponsors: Rep. Lee & Sen. Sharp; Reps. Smith, Boulden, Cathcart, DiLiberto, Ewing, Fallon, Lavelle, Maier, Miro, Stone, Thornburg, Valihura, Gilligan, Van Sant, B. Ennis, Houghton, Mulrooney, Plant, Price, Viola, West; Sens. Bunting, Vaughn, Cloutier, Simpson) (Volume 73, Chapter 302, Laws of Delaware.)

HB #425 aab SA 1 (6/20/02) – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

(Sponsors: Rep. Lofink & Rep. Oberle & Sen. Marshall) (Volume 73, Chapter 303, Laws of Delaware.)

HB #445 (6/20/02) – AN ACT TO AMEND TITLE 16, DELAWARE CODE, PERTAINING TO A REPORT OF THE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION. (Sponsors: Rep. Maier & Sen. Marshall) (Volume 73, Chapter 304, Laws of Delaware.)

HB #446 aab HA 1 (6/20/02) – AN ACT TO AMEND TITLE 21 RELATING TO REGISTRATION AND CONTROL OF OFF-HIGHWAY VEHICLES. (Sponsors: Rep. Oberle & Sen. DeLuca) (Volume 73, Chapter 305, Laws of Delaware.)

HB #516 (6/20/02) – AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Rep. DiPinto & Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow) (Volume 73, Chapter 306, Laws of Delaware.)

HB #517 (6/20/02) – AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Rep. DiPinto & Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow) (Volume 73, Chapter 307, Laws of Delaware.)

HB #519 (6/20/02) – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE BY CODIFYING A SECTION OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Rep. DiPinto & Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow) (Volume 73, Chapter 308, Laws of Delaware.)

HB #520 (6/20/02) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Rep. DiPinto & Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow) (Volume 73, Chapter 309, Laws of Delaware.)

HB #518 (6/20/02) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Rep. DiPinto & Sen. Vaughn; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton; Sens. Cook, Henry, McBride, Cloutier, Winslow) (Volume 73, Chapter 310, Laws of Delaware.)

HB #522 aab HA 1 (6/20/02) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE REGARDING SUBSTITUTION OF DRUGS. (Sponsors: Rep. Spence & Sen. McBride & Rep. Boulden; Reps. Smith, Lee, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, Van Sant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, Viola, West; Sens. Amick, Sorenson, Henry, McDowell, Blevins, Bonini, Connor, Simpson, Still, Winslow) (Volume 73, Chapter 311, Laws of Delaware.)

* * *

The Secretary announced a message from the House informing the Senate that it had passed **HB 584; HB 475 w/HA 1; HB 567 w/HA 1; HS 1 to HB 377 w/HA 2, 3, 4, 5, SA 1, 2 & HA 7; HB 542; HB 429; HB 544; HB 512 w/HA 1 & HA 3; HB 550 w/HA 1; HB 535 w/HA 1; HB 541; SB 433; SB 436.**

The following committee reports were announced:

From Revenue and Taxation: **SB 437** - 3 Merits.

From Finance: **SB 439** - 4 Merits; **HB 190** - 5 Merits.

From Community/County Affairs: **HB 515** - 4 Merits.

From Public Safety: **HB 126** - 3 Merits.

From Sunset: **HB 329** - 5 Merits; **HB 488** - 5 Merits.

From Health and Social Services: **HB 507** - 3 Merits.

A communication from the Chief Clerk, JoAnn Hedrick to the Secretary of the Senate, Bernard J. Brady was read into the record advising the Senate that Representative Helene M. Keeley has requested that her name be removed as a co-sponsor of **SB 149** on June 20, 2002.

At 02:25 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Forty-third Legislative Day.

**43rd LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 25, 2002**

The Senate convened at 02:25 PM with Lt. Governor Carney presiding.
A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

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

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

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

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

Senator(s) Blevins, Bonini, McDowell, Sorenson marked present during the above roll call.

Bateman, Tjark: 20 Senator(s) voting YES, 1 (McBride) ABSENT. Appointment was declared CONFIRMED.

Darling, Pamela: 20 Senator(s) voting YES, 1 (McBride) ABSENT. Appointment was declared CONFIRMED.

Firuta, Holly: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Stallmann, Cheryl: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

SB 418 was brought before the Senate for consideration on the motion of Senator Cook.

SB 418 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENT OF BILLS FOR PUBLIC WORKS CONTRACTS AND PROMPT PAYMENT.

Roll call vote on **SB 418** was taken and revealed:

YES: 21

SB 418 was declared passed the Senate and sent to the House for Consideration.

SB 255 was brought before the Senate for consideration on the motion of Senator Cloutier.

SB 255 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE TO PROVIDE FOR THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT.

SA 1 to SB 255 was brought before the Senate for consideration on motion of Senator Cloutier.

Roll call vote on **SA 1 to SB 255** was taken and revealed:

YES: 21

SB 255 w/SA 1 was now before the Senate.

Roll call vote on **SB 255 w/SA 1** was taken and revealed:

YES: 21

SB 255 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 47 was brought before the Senate for consideration on the motion of Senator Winslow.

SB 47 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO UNLAWFULLY DEALING WITH A CHILD.

Senator Winslow requested the privilege of the floor for Capt. David Deputy, representing the Delaware State Police.

The witness was excused after addressing the Senate.

Roll call vote on **SB 47** was taken and revealed:

YES: 21

SB 47 was declared passed the Senate and sent to the House for Consideration.

HB 362 was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

HB 362 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO FOREIGN ADOPTIONS.

SA 1 to HB 362 was brought before the Senate for consideration on the motion of Senator Amick.

Roll call vote on **SA 1 to HB 362** was taken and revealed:

YES: 21

SA 1 to HB 362 was declared part of the bill.

HB 362 w/SA 1 was now before the Senate.

Senator Cloutier requested that her name be added as an additional co-sponsor to the bill.

Roll call vote on **HB 362 w/SA 1** was taken and revealed:

YES: 21

HB 362 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

SB 409 was brought before the Senate for consideration on the motion of Senator Bunting.

SB 409 - 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 34, POWER TO BORROW MONEY AND ISSUE BONDS, BY PROVIDING FOR REFUNDING ALL OUTSTANDING BONDS OR OTHER INDEBTEDNESS OF THE TOWN TO INCLUDE REFINANCING SUCH BONDS OR OTHER EVIDENCES OF INDEBTEDNESS, EXPANDING AUTHORITY TO STATE THE SUM TO BE BORROWED MAY BE STATED IN A "NOT TO EXCEED" AMOUNT; CLARIFYING VOTER QUALIFICATIONS FOR NON-RESIDENT PROPERTY OWNERS; AUTHORIZING THE TOWN TO CANCEL THE BORROWING; PROVIDING FOR BOND ANTICIPATORY NOTES; PROVIDING FOR A STATUTE OF LIMITATIONS FOR CHALLENGES TO PROCEDURES OF THE TOWN IN THESE MATTERS, AND ALSO INCREASING THE LIMIT WHICH THE TOWN MAY BORROW ON ITS FULL FAITH AND CREDIT UP TO \$500,000.

Senator Bonini commented.

Roll call vote on **SB 409** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

SB 409 was declared passed the Senate and sent to the House for Consideration.

SB 385 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 385 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO REVIEW OF CHILD DEATHS.

SA 1 to SB 385 was brought before the Senate for consideration on the motion of Senator Blevins.

Senator McDowell commented.

Roll call vote on **SA 1 to SB 385** was taken and revealed:

YES: 21

SA 1 to SB 385 was declared part of the bill.

SB 385 w/SA 1 was now before the Senate.

Roll call vote on **SB 385 w/SA 1** was taken and revealed:

YES: 21

SB 385 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 397 was brought before the Senate for consideration on the motion of Senator Blevins.

SB 397 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE AND THE PROMPT PAYMENT OF COMPLETED MEDICAL CLAIMS.

SA 1 to SB 397 was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Simpson commented.

Roll call vote on **SA 1 to SB 397** was taken and revealed:

YES: 21

SA 1 to SB 397 was declared part of the bill.

SA 2 to SB 397 was brought before the Senate for consideration on the motion of Senator Still.

Senator Still moved to lay SA 2 to SB 397 on the Table. No objection.
 Senator Blevins moved to lay SB 397 w/SA 1 on the Table. No objection.
SB 419 was brought before the Senate for consideration on the motion of Senator Marshall.

SB 419 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS TAXES.

Senator McBride commented.

Senator Marshall requested the privilege of the floor for Michael Strine, representing the Governor's office.

The witness was excused after addressing the Senate.

Roll call vote on SB 419 was taken and revealed:
 YES: 21

SB 419 was declared passed the Senate and sent to the House for Consideration.

Senator Blevins requested that SB 397 w/SA 1 be Lifted from the Table and brought before the Senate for Consideration.

SA 3 to SB 397 was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Simpson commented.

Roll call vote on SA 3 to SB 397 was taken and revealed:
 YES: 21

SA 3 to SB 397 was declared part of the bill.

Senator Still requested that SA 2 to SB 397 be Stricken. No objection.

SB 397 w/SA 1, SA 3 was now before the Senate.

Roll call vote on SB 397 w/SA 1 & SA 3 was taken and revealed:
 YES: 21

SB 397 w/SA 1 & SA 3 was declared passed the Senate as amended and sent to the House for Consideration.

Senator(s) Simpson and Still requested their names be added as additional co-sponsors to the bill.

HB 463 was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

HB 463 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE ESTABLISHING NEW CDL DISQUALIFICATION OFFENSES AND LICENSING LIMITATIONS FOR COMMERCIAL MOTOR VEHICLE DRIVERS AND THEIR EMPLOYERS.

Roll call vote on **HB 463** was taken and revealed:
 YES: 21

HB 463 was declared passed the Senate and returned to the House.

HB 473 w/HA 5 was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

HB 473 w/HA 5 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE DEFINITION AND USE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ("EPAMD'S")

SA 1 to HB 473 was brought before the Senate for consideration on the motion of Senator Henry.

Roll call vote on SA 1 to HB 473 was taken and revealed:
 YES: 21

SA 1 to HB 473 was declared part of the bill.

HB 473 w/HA 5 & SA 1 was now before the Senate.

Several Senators commented.

Roll call vote on HB 473 w/HA 5 & SA 1 was taken and revealed:
 YES: 19

NO: Senator(s) Bunting, McBride - 2.

HB 473 w/HA 5 & SA 1 was declared passed the Senate and sent to the House for Reconsideration.

HB 245 was brought before the Senate for consideration on the motion of the floor manager, Senator McBride.

HB 245 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO TAX LAGOONS.

SA 1 to HB 245 was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on SA 1 to HB 245 was taken and revealed:

YES: 21

SA 1 to HB 245 was declared part of the bill.

SA 2 to HB 245 was brought before the Senate for consideration on the motion of Senator Bunting.

Senator McBride commented.

Roll call vote on **SA 2 to HB 245** was taken and revealed:

YES: 21

SA 2 to HB 245 was declared part of the bill.

HB 245 w/SA 1 & SA 2 was now before the Senate.

Senator(s) DeLuca, Bunting and Simpson commented.

Senator McBride requested the privilege of the floor for David Small, representing DNREC.

The witness was excused after addressing the Senate.

Roll call vote on **HB 245 w/SA 1 & SA 2** was taken and revealed:

YES: 19

NO: Senator(s) Adams, McBride - 2.

HB 245 w/SA 1 & SA 2 was declared passed the Senate and sent to the House for Reconsideration.

HB 523 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Cook.

HB 523 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPOSAL OF STATE-OWNED EQUIPMENT.

Senator Sharp commented.

Senator Cook requested the privilege of the floor for Jennifer Davis, representing the Department of Education.

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

Roll call vote on **HB 523** was taken and revealed:

YES: 21

HB 523 was declared passed the Senate and returned to the House.

SB 403 was brought before the Senate for consideration on the motion of Senator Cook.

SB 403 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO DEFINITION OF FINAL AVERAGE COMPENSATION IN THE STATE EMPLOYEES PENSION PLAN.

Roll call vote on **SB 403** was taken and revealed:

YES: 21

SB 403 was declared passed the Senate and sent to the House for Consideration.

SB 426 was brought before the Senate for consideration on the motion of Senator Cook

SB 426 - AN ACT TO AMEND TITLE 11 AND TITLE 29, DELAWARE CODE, RELATING TO THE TYPES OF ROLLOVERS ACCEPTED IN THE DELAWARE PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

Roll call vote on **SB 426** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

SB 426 was declared passed the Senate and sent to the House for Consideration.

SB 439 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Cook.

SB 439 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS AND BENEFITS FOR RETIRED STATE EMPLOYEES.

Senator Simpson commented.

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

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

Roll call vote on **SB 439** was taken and revealed:

YES: 21

SB 439 was declared passed the Senate and sent to the House for Consideration.

SB 427 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 427 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATED TO COMMERCE AND TRADE AND THE DELAWARE RESIDENTIAL WATER TREATMENT SYSTEMS SALES ACT.

Senator Vaughn requested that **SA 1 to SB 427** be Stricken. No objection.

SA 2 to SB 427 was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested the privilege of the floor for John Schreppler, II, representing Artesian Water Company.

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

Senator Vaughn requested the privilege of the floor for D.J. Shannahan, representing Sharp Water/Chesapeake Utilities.

Senator(s) Sharp and Winslow questioned the witness, after which the witness was excused.

Roll call vote on **SA 2 to SB 427** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall - 1.

SA 2 to SB 427 was declared part of the bill.

SB 427 w/SA 2 was now before the Senate.

Roll call vote on **SB 427 w/SA 2** was taken and revealed:

YES: 20

NOT VOTING: Senator(s) Sharp - 1.

SB 427 w/SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

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

SB 18 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO FINANCIAL ASSISTANCE FOR HIGHER EDUCATION.

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

Senator(s) Venables and Sokola commented.

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

YES: 17

NO: Senator(s) Blevins, Sokola, Venables, Winslow - 4.

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

SA 2 to SB 18 was brought before the Senate for consideration on the motion of Senator Sorenson.

Senator(s) Blevins, Venables and Bonini commented.

Roll call vote on **SA 2 to SB 18** was taken and revealed:

YES: 4

NO: Senator(s) Blevins, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, Sharp, Sokola, Still, Vaughn, Venables, Winslow - 14.

NOT VOTING: Senator(s) Bunting, McDowell, Simpson - 3.

SA 2 to SB 18 was Defeated.

SA 3 to SB 18 was brought before the Senate for consideration on the motion of Senator McDowell.

Senator(s) Bonini, Simpson and Venables commented.

Roll call vote on **SA 3 to SB 18** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, Simpson, Sorenson, Still, Winslow - 5.

SA 3 to SB 18 was declared part of the bill.

SB 18 w/SA 1 & SA 3 was now before the Senate.

Roll call vote on **SB 18 w/SA 1, SA 3** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, Winslow - 2

SB 18 w/SA 1 & SA 3 was declared passed the Senate as amended and sent to the House for Consideration.

Senator Vaughn requested that **SJR 18** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

Roll call vote on **SJR 18** was taken and revealed:

YES: 21

SJR 18 was declared passed the Senate and sent to the House for Consideration. Senator Vaughn requested that **SJR 19** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

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

YES: 21

SJR 19 was declared passed the Senate and sent to the House for Consideration. Senator Vaughn requested that **SB 434** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

Senator Sharp commented on the Joint Finance Committee and Senator Vaughn doing a commendable job on the Budget.

Senator(s) Bonini and Still commented.

Roll call vote on **SB 434** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

SB 434 was declared passed the Senate and sent to the House for Consideration.

SB 89 was brought before the Senate for consideration on the motion of Senator Winslow.

SB 89 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OATHS AND AFFIRMATIONS.

SA 1 to SB 89 was brought before the Senate for consideration on the motion of Senator Winslow.

Roll call vote on **SA 1 to SB 89** was taken and revealed:

YES: 21

SA 1 to SB 89 was declared part of the bill.

SB 89 w/SA 1 was now before the Senate.

Senator Venables questioned the sponsor, after which Senator Winslow requested the privilege of the floor for Capt. David Deputy, representing the Delaware State Police.

The witness was excused after addressing the Senate.

Senator McDowell commented.

Roll call vote on **SB 89 w/SA 1** was taken and revealed:

YES: 18

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

NOT VOTING: Senator(s) McDowell - 1.

SB 89 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

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

On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed

Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION
READ TO THE SENATE RECORD
6/25/02**

SB 434 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2003; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; **LOT**.

SJR 18 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2002. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; **LOT**.

SJR 19 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUE FOR FISCAL YEAR 2003. Sponsor: Sen. Vaughn; DiPinto, Cook, Henry, McBride, Cloutier, Winslow, Buckworth, D. Ennis, Fallon, Brady, Houghton; **LOT**.

SJR 16 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2002. Sponsor: Sen. Cook; Still, Reps. DiPinto & Gilligan & Hudson; **Finance**.

SJR 17 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUE FOR FISCAL YEAR 2003. Sponsor: Sen. Cook; Still, Reps. DiPinto & Gilligan & Hudson; **Finance**.

SB 442 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE TOWN OF DEWEY BEACH. Sponsor: Sen. Bunting; **Community/County Affairs**.

SB 443 - AN ACT TO AMEND TITLES 10, 11, 21 AND 29 OF THE DELAWARE CODE RELATING TO FINES, COSTS AND ASSESSMENTS FOR TRAFFIC VIOLATIONS. Sponsor: Sen. Sharp; Ewing; **LOT**.

HB 475 w/HA 1 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION AND INTERSCHOLASTIC ATHLETICS. Sponsor: Rep. Ulbrich; DeLuca, Reps. Hudson, Valihura, DiLiberto, Keeley; Sens. Bunting, Sokola, Still, Simpson; **Sunset**.

HB 567 w/HA 1 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAXES. Sponsor: Rep. Hudson; Marshall; **Revenue & Taxation**.

HB 584 - AN ACT TO AMEND TITLE 14 AND 21 OF THE DELAWARE CODE RELATING TO DRUG AND ALCOHOL TESTING OF PUBLIC SCHOOL BUS DRIVERS AND THE ISSUANCE OF A SCHOOL BUS ENDORSEMENT TO DELAWARE DRIVER'S LICENSES. Sponsor: Rep. Buckworth; Cook; **Education**.

SA 1 to HB 447 - Sponsor: Sen. Cook; Placed with the bill.

SA 1 to HB 535 - Sponsor: Sen. Still; Placed with the bill.

SA 1 to SJR 15 - Sponsor: Sen. Sokola; Placed with the bill.

SB 396 - AN ACT TO AMEND TITLES 26 AND 29 OF THE DELAWARE CODE RELATING TO THE STATE ENERGY OFFICE. Sponsor: Sen. McDowell; Roy & Rep. D. Ennis; **Natural Resources & Environmental Control**.

SB 444 - AN ACT TO AMEND CHAPTER 320 OF VOLUME 72 OF THE LAWS OF DELAWARE RELATING TO POST CONVICTION REMEDIES. Sponsor: Sen. Henry; Winslow, Rep. Wagner; **Adult & Juvenile Corrections**.

* * *

On motion of Senator Adams, the Senate recessed at 05:50 PM until June 26, 2002 at 02:00 PM.

The Senate reconvened at 02:30 PM on June 26, 2002 with Senator Sharp presiding.

The following committee report was announced:

From Corrections: **SB 428** - 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 428 w/HA 1; HB 566; HB 483 w/HA 1; HB 575 w/HA 1; SB 404; SS 1 to SB 240; SB 347; SB 318; SB 319; HJR 18; HJR 19; SB 434; HS 1 to HB 529; HB 547; SB 115 w/SA 1 & SA 2; SB 309 w/SA 1; SB 384**.

Lt. Governor Carney presiding at 02:31 PM.

A communication from Senator George H. Bunting, Jr. to Bernard J. Brady was read into the record requesting that Representative Price be added as a co-sponsor to **SB 442**.

LEGISLATIVE ADVISORY #35, 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 #35, dated June 26, 2002, the Governor signed the following legislation on the dates indicated:

SB #434 (6/25/02) - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2003, SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS, AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. (Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton) (Volume 73, Chapter 312, Laws of Delaware.)

SJR #18 (6/25/02) - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2002. (Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton)

SJR #19 (6/25/02) – THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUE FOR FISCAL YEAR 2003. (Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Houghton)

At 02:35 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Forty-four Legislative Day.

**44th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 26, 2002**

The Senate convened at 02:35 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, DeLuca, Henry, McBride, Marshall, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

HB 447 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

HB 447 w/HA 1 - AN ACT TO AMEND TITLE 21 AND TITLE 6 OF THE DELAWARE CODE RELATING TO SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER, AND PROVIDING A SUPPLEMENTAL APPROPRIATION TO INCREASE PUBLIC AWARENESS OF SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER.

SA 1 to HB 447 was brought before the Senate for consideration on the motion of Senator Cook.

Roll call vote on **SA 1 to HB 447** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

SA 1 to HB 447 was declared part of the bill.

Senator(s) Amick marked present during the above roll call.

HB 447 w/HA 1 & SA 1 was now before the Senate.

Roll call vote on **HB 447 w/HA 1 & SA 1** was taken and revealed:

YES: 21

HB 447 w/HA 1 & SA 1 was declared passed the Senate and sent to the House for Reconsideration.

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

SB 425 was brought before the Senate for consideration on the motion of Senator Cook.

SB 425 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN, AND PROVIDING 'CREDITED SERVICE' FOR UNUSED SICK LEAVE.

Senator Cook moved to lay **SB 425** on the Table. No objection.

SB 88 was brought before the Senate for consideration on the motion of Senator Winslow.

SB 88 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF DELAWARE RELATING TO WARRANTS.

Senator McDowell commented.

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

The witness was excused after addressing the Senate.

Senator Venables commented.

Roll call vote on **SB 88** was taken and revealed:

YES: 12

NO: Senator(s) Blevins, Bonini, Cook, DeLuca, Henry, Marshall, McDowell, Venables - 8.

ABSENT: Senator(s) McBride - 1.

SB 88 was Defeated.

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

SJR 15 - URGING THE UNITED STATES CONGRESS AND PRESIDENT GEORGE W. BUSH TO INCREASE FUNDING FOR SPECIAL EDUCATION TO MEET THE FEDERAL COMMITMENT UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

SA 1 to SJR 15 was brought before the Senate for consideration on the motion of Senator Sokola.

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

YES: 21

SA 1 to SJR 15 was declared part of the bill.

SJR 15 w/SA 1 was now before the Senate.

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

Roll call vote on **SJR 15 w/SA 1** was taken and revealed:

YES: 21

SJR 15 w/SA 1 was declared passed the Senate and sent to the House for Consideration.

SB 275 was brought before the Senate for consideration on the motion of Senator Winslow.

SB 275 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE AMERICANS WITH DISABILITIES ACT.

Senator Winslow requested the privilege of the floor for Patricia Maichle, representing the Governor's Advisory Council for Exceptional Citizens Developmental Disabilities Council.

Senator(s) Sharp and Still questioned the witness.

Senator Winslow raised a point of order.

The witness was excused.

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

Senator DeLuca and Venables questioned the witness, after which the witness was excused.

Senator Bunting commented.

Roll call vote on **SB 275** was taken and revealed:

YES: 8

NO: Senator(s) Adams, Blevins, Bonini, Cook, DeLuca, Sharp, Simpson, Still, Vaughn, Venables - 10.

NOT VOTING: Senator(s) Bunting, Marshall, McBride - 3.

SB 275 was Defeated.

Senator Cook requested that **SB 415** be Lifted from the Table and brought before the Senate for Consideration.

SA 1 to SB 415 was brought before the Senate for consideration on the motion of Senator Sharp.

Senator(s) Bonini and Connor commented.

Roll call vote on **SA 1 to SB 415** was taken and revealed:

YES: 21

SA 1 to SB 415 was declared part of the bill.

SB 415 w/SA 1 was brought before the Senate.

Roll call vote on **SB 415 w/SA 1** was taken and revealed:

YES: 21

SB 415 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

HB 507 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HB 507 w/HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH QUALITY ASSURANCE IN THE OPERATION OF HOME HEALTH AGENCY PROGRAMS.

Senator Bonini commented.

Roll call vote on **HB 507 w/HA 1** was taken and revealed:

YES: 21

HB 507 w/HA 1 was declared passed the Senate and returned to the House.

HS 1 to HB 377 w/HA 2, HA 3, HA 4, HA 5 & SA 1, SA 2 & HA 7 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HS 1 to HB 377 w/HA 2, HA 3, HA 4, HA 5 & SA 1, SA 2 & HA 7 - AN ACT TO AMEND TITLES 16 AND 20 OF THE DELAWARE CODE RELATING TO EMERGENCIES AND PUBLIC HEALTH.

Roll call vote on HS 1 to HB 377 w/HA 2, HA 3, HA 4, HA 5 & SA 1, SA 2 & HA 7 was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

HS 1 to HB 377 w/HA 2, HA 3, HA 4, HA 5 & SA 1, SA 2 & HA 7 was declared passed the Senate and was returned to the House.

Senator McDowell requested that SB 377 be Lifted from the Table and brought before the Senate for Consideration.

Senator McDowell requested that SA 1 to SB 377 be Stricken. No objection.

SA 2 to SB 377 was brought before the Senate for consideration on the motion of Senator McDowell.

Roll call vote on SA 2 to SB 377 was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

SA 2 to SB 377 was declared part of the bill.

SB 377 w/SA 2 was now before the Senate.

Roll call vote on SB 377 w/SA 2 was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

SB 377 w/SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

SB 338 w/HA 2, which was returned from the House with an amendment, was brought before the Senate for consideration on the motion of Senator Cook.

SB 338 w/HA 2 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INVESTMENT IN STOCK OF SUBSIDIARIES.

Senator Cook requested that SA 1 to SB 338 be Stricken. No objection.

SB 338 w/HA 2 was now before the Senate.

Roll call vote on SB 338 w/HA 2 was taken and revealed:

YES: 21

SB 338 w/HA 2 was declared passed the Senate as amended and sent to the Governor.

SB 371 w/SA 1, HA 1 & HA 2, which was returned from the House with amendments, was brought before the Senate for consideration on the motion of Senator Adams.

SB 371 w/SA 1, HA 1 & HA 2 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT AND THE DISCLOSURE OF EVIDENCE THAT MAY JEOPARDIZE THE PHYSICAL SAFETY OF DELAWAREANS.

Senator Adams requested the privilege of the floor for Matt Denn, representing the Governor's office.

The witness was excused after addressing the Senate.

Roll call vote on SB 371 w/SA 1, HA 1 & HA 2 was taken and revealed:

YES: 21

SB 371 w/SA 1, HA 1 & HA 2 was declared passed the Senate as amended and sent to the Governor.

SCR 18 w/HA 1, which was returned from the House with an amendment, was brought before the Senate for consideration on the motion of Senator Henry.

SCR 18 w/HA 1 - RELATING TO THE ESTABLISHMENT OF A DELAWARE JOINT SCHOOL SAFETY COMMITTEE.

Roll call vote on SCR 18 w/HA 1 was taken and revealed:

YES: 19

ABSENT: Senator(s) Bonini, Bunting - 2.

SCR 18 w/HA 1 was declared Adopted by the Senate.

SB 388 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Blevins.

SB 388 - AN ACT TO AMEND TITLE 7 AND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DIVISION OF CHILD SUPPORT ENFORCEMENT,

APPLICATIONS FOR HUNTING, FISHING OR TRAPPING LICENSES AND
SOCIAL SECURITY NUMBERS.

SA 1 to SB 388 was brought before the Senate for consideration on the motion of Senator Blevins.

Senator Still commented.

Senator Blevins requested the privilege of the floor for Charles Hayward, representing Delaware Health and Social Services.

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

Senator Blevins moved to lay SA 1 to SB 388 on the Table. No objection.

Senator Blevins moved to lay SB 388 on the Table. No objection.

SB 145 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Blevins.

SB 145 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE
RELATING TO EXEMPTIONS FROM EXECUTIONS IN BANKRUPTCY AND IN
INSOLVENCY FOR PRINCIPAL RESIDENCE.

SA 1 to SB 145 was brought before the Senate for consideration on motion of Senator Blevins.

Several Senators questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Timothy Willard, Senate Attorney.

The witness was excused after addressing the Senate.

Senator Amick commented.

Senator Marshall requested the privilege of the floor for Francis Murphy, Senate Attorney.

The witness was excused after addressing the Senate.

Several Senators commented.

Roll call vote on SA 1 to SB 145 was taken and revealed:

YES: 18

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

NOT VOTING: Senator(s) Venables - 1.

SA 1 to SB 145 was declared part of the bill.

SB 145 w/SA 1 was now before the Senate.

Roll call vote on SB 145 w/SA 1 was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Venables, Winslow - 2.

SB 145 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

Senator Bunting requested that SB 194 be Lifted from the Table and brought before the Senate for Consideration.

SA 2 to SB 194 was brought before the Senate for consideration on motion of Senator Bunting.

Several Senators commented.

Roll call vote on SA 2 to SB 194 was taken and revealed:

YES: 21

SA 2 to SB 194 was declared part of the bill.

SB 194 w/SA 2 was now before the Senate.

Roll call vote on SB 194 w/SA 2 was taken and revealed:

YES: 21

SB 194 w/SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

SB 442 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Bunting.

SB 442 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF
CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE TOWN OF DEWEY
BEACH.

SA 1 to SB 442 was brought before the Senate for consideration on motion of Senator Sokola.

Roll call vote on SA 1 to SB 442 was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Still - 2.

SA 1 to SB 442 was declared part of the bill.

SB 442 w/SA 1 was now before the Senate.

Senator Bunting moved to lay **SB 442 w/SA 1** on the Table. No objection.

SB 432 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Adams.

SB 432 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE BONDING REQUIREMENT FOR THE SECRETARY OF STATE.

Senator(s) Simpson and Bunting commented.

Senator Adams requested the privilege of the floor for Joseph Schoell, Deputy Legal Counsel to the Governor.

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

Roll call vote on **SB 432** was taken and revealed:

YES: 18

NO: Senator(s) Bonini, Simpson, Still - 3.

SB 432 was declared passed the Senate and sent to the House for Consideration.

SB 428 was brought before the Senate for consideration on the motion of Senator Vaughn.

SB 428 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING FOR CRIMINAL OFFENSES.

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

The witness was excused after addressing the Senate.

Roll call vote on **SB 428** was taken and revealed:

YES: 21

SB 428 was declared passed the Senate and sent to the House for Consideration.

SB 437 was brought before the Senate for consideration on the motion of Senator Marshall.

SB 437 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL LIABILITY AND SENTENCING IN CERTAIN CASES.

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

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

Roll call vote on **SB 437** was taken and revealed:

YES: 21

SB 437 was declared passed the Senate and sent to the House for Consideration.

SB 420 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Marshall.

SB 420 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS.

SA 1 to SB 420 was brought before the Senate for consideration on motion of Senator Marshall.

Roll call vote on **SA 1 to SB 420** was taken and revealed:

YES: 21

SA 1 to SB 420 was declared part of the bill.

SB 420 w/SA 1 was now before the Senate.

Roll call vote on **SB 420 w/SA 1** was taken and revealed:

YES: 21

SB 420 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 7 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator McBride.

SB 7 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN.

SA 1 to SB 7 was brought before the Senate for consideration on the motion of Senator Amick.

Several Senators commented.

Roll call vote on **SA 1 to SB 7** was taken and revealed:

YES: 21

SA 1 to SB 7 was declared part of the bill.

SB 7 w/SA 1 was now before the Senate.

Several Senators commented.

Senator McBride moved to lay **SB 7 w/SA 1** on the Table. No objection.

Senator Adams requested that **SB 447** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

Roll call vote on **SB 447** was taken and revealed:

YES: 21

SB 447 was declared passed the Senate and sent to the House for Consideration.

Additions and Announcements were announced.

At 05:57 PM on motion of Senator Adams, the Senate recessed until June 27, 2002 at 02:00 PM.

The Senate reconvened on June 27, 2002 at 02:34 PM with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 562; HB 596; HB 585; HB 614; HB 609; HB 538; HCR 30; HB 610; HCR 57; SB 303; SB 399; SB 411; SB 412; SB 413; SB 401.**

The following committee reports were announced:

From Children, Youth and their Families: **SB 431** - 4 Merits; **HB 528** - 4 Merits.

From Administrative Services: **SB 429** - 4 Merits; **HB 423** - 4 Merits; **HB 533** - 4 Merits.

From Health and Social Services: **HB 239** - 4 Merits; **HB 382** - 3 Merits; **HB 421** - 3 Merits; **HB 491** - 3 Merits.

From Sunset: **HB 434** - 5 Merits; **HB 435** - 5 Merits; **HB 475** - 5 Merits.

From Insurance and Elections: **HB 536** - 4 Merits.

From Education: **HB 584** - 4 Merits.

A communication from Bernard J. Brady, Secretary of the Senate to JoAnn P. Hedrick, Chief Clerk of the House was read into the record informing that Senator Harris B. McDowell signed **HB 538** as a co-sponsor whilst the bill was being considered in the Senate.

A communication from Senator Robert L. Venables to Bernard J. Brady, Secretary of the Senate was read into the record informing the Senate that Representative Tina Fallon was added as a co-sponsor to **SB 406**.

A communication from Senator Robert L. Venables to Bernard J. Brady, Secretary of the Senate was read into the record informing the Senate that Representative Clifford Lee was added as a co-sponsor to **SB 113**.

Senator Sharp commented regarding the Pledge of Allegiance and the Court decision in California.

On the motion of Senator Adams, the Senate adjourned at 02:44 PM to immediately convened the Forty-fifth Legislative Day.

**45th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 27, 2002**

The Senate convened at 02:44 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Winslow 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

SB 360 was brought before the Senate for consideration on the motion of Senator McBride.

SB 360 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME.

SA 1 to SB 360 was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Simpson questioned the sponsor, after which Senator Vaughn requested the privilege of the floor for Steven Wood, representing the Attorney General's office.

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

Roll call vote on **SA 1 to SB 360** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

SA 1 to SB 360 was declared part of the bill.

Senator Amick marked present during the above roll call.

SA 2 to SB 360 was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on SA 2 to SB 360 was taken and revealed:

YES: 21

SA 2 to SB 360 was declared part of the bill.

SB 360 w/SA 1 & SA 2 was now before the Senate.

Senator Sharp commented.

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

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

Senator Sharp requested the privilege of the floor for Leah Betts, representing herself.

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

Senator McBride requested the privilege of the floor once again for Steven Wood, representing the Attorney General's office.

The witness was excused after addressing the Senate.

Roll call vote on SB 360 w/SA 1 & SA 2 was taken and revealed:

YES: 14

NO: Senator(s) Adams, Bunting, Sharp, Still, Vaughn - 5.

NOT VOTING: Senator(s) DeLuca - 1.

ABSENT: Senator(s) Venables - 1.

SB 360 w/SA 1 & SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

SB 422 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Sokola.

SB 422 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF SEX OFFENDERS.

SA 1 to SB 422 was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on SA 1 to SB 422 was taken and revealed:

YES: 20

ABSENT: Senator(s) Amick - 1.

SA 1 to SB 422 was declared part of the bill.

SB 422 w/SA 1 was now before the Senate.

Roll call vote on SB 422 w/SA 1 was taken and revealed:

YES: 21

SB 422 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

SB 396 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator McDowell.

SB 396 - AN ACT TO AMEND TITLES 26 AND 29 OF THE DELAWARE CODE RELATING TO THE STATE ENERGY OFFICE.

Several Senators commented.

Roll call vote on SB 396 was taken and revealed:

YES: 21

SB 396 was declared passed the Senate and sent to the House for Consideration.

SB 205 was brought before the Senate for consideration on motion of Senator McDowell.

SB 205 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO MIXING OF DELINQUENT CHILDREN WITH DEPENDENT OR NEGLECTED CHILDREN.

Senator McDowell moved to lay SB 205 on the Table. No objection.

Senator Adams requested that SB 449 be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

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

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

Roll call vote on SB 449 was taken and revealed:

YES: 19

NOT VOTING: Senator(s) McDowell - 1.

ABSENT: Senator(s) Henry - 1.

SB 449 was declared passed the Senate and sent to the House for Consideration.

Senator Blevins requested that **SB 450** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

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

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

Senator(s) Bunting and Sokola requested to be added as co-sponsors to the bill.

Roll call vote on **SB 450** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

SB 450 was declared passed the Senate and sent to the House for Consideration.

Senator McDowell requested that **SB 205** be Lifted from the Table and brought before the Senate for Consideration.

SA 1 to SB 205 was brought before the Senate for consideration on the motion of Senator McDowell.

Roll call vote on **SA 1 to SB 205** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

SA 1 to SB 205 was declared part of the bill.

SA 2 to SB 205 was brought before the Senate for consideration on the motion of Senator McDowell.

Roll call vote on **SA 2 to SB 205** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

SA 2 to SB 205 was declared part of the bill.

SB 205 w/SA 1 & SA 2 was now before the Senate.

Senator Simpson commented.

Roll call vote on **SB 205 w/SA 1 & SA 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sharp - 1.

SB 205 w/SA 1 & SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

SB 435 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Vaughn.

SB 435 - AN ACT MAKING APPROPRIATIONS FOR CERTAIN GRANTS-IN-AID FOR THE FISCAL YEAR ENDING JUNE 30, 2003; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING THE FISCAL YEAR 2003 APPROPRIATIONS ACT; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsor: Sen. Vaughn, Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton.

Roll call vote on **SB 435** was taken and revealed:

YES: 21

SB 435 was declared passed the Senate and sent to the House for Consideration.

On motion of Senator Adams, the Senate recessed at 04:52 PM for Party Caucus.

The Senate reconvened at 05:48 PM with Senator Sharp presiding.

SB 398 was brought before the Senate for consideration on the motion of Senator Cook.

SB 398 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO RISK-BASED CAPITAL FOR HEALTH ORGANIZATIONS.

Roll call vote on **SB 398** was taken and revealed:

YES: 21

SB 398 was declared passed the Senate and sent to the House for Consideration.

SB 431 was brought before the Senate for consideration on the motion of Senator Henry.

SB 431 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO ADJUDICATION, DISPOSITION FOLLOWING ADJUDICATION, AND COMMITMENT TO CUSTODY OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES.

Senator Bonini commented.

At 05:53 PM, Lt. Governor Carney presiding.

Senator Henry requested the privilege of the floor for Jeffrey Clark, Senate Attorney. The witness was excused after addressing the Senate.
Senator Vaughn requested the privilege of the floor for Steven Wood, representing the Attorney General's office.

Senator(s) Henry and Sokola questioned the witness, after which the witness was excused.

Senator Sharp commented.

Roll call vote on **SB 431** was taken and revealed:

YES: 13

NO: Senator(s) Adams, Blevins, Bonini, Connor, DeLuca, Sharp, Vaughn - 7

ABSENT: Senator(s) McBride - 1

SB 431 was declared passed the Senate and sent to the House for Consideration.

SR 18 was introduced and brought before the Senate for consideration on the motion of Senator Bonini.

SR 18 - URGING CONGRESS TO NOT ALLOW THE WEAKENING OF THE PLEDGE OF ALLEGIANCE. Sponsor: Sen. Bonini; Sens. Adams, Amick, Blevins, Bunting, Cloutier, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow.

Roll call vote on **SR 18** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

SR 18 was declared Adopted.

On motion of Senator Adams, the Senate recessed at 06:05 PM until June 30, 2000 at 05:00 PM.

The Senate reconvened at 05:53 PM on June 30, 2002 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 582; HB 537 w/HA 1; HB 616; HB 615; SB 113; SB 358 w/SA 2 & HA 1; HB 579 w/HA 1; HB 588; HB 568 w/HA 1; HB 591; HB 613 w/HA 1; HCR 61; SB 435; HB 589; HB 587 w/HA 1 & 3; HB 630; HB 598 w/HA 1 & 2; HCR 60; SB 336 w/SA 1; SB 381; SB 202; HB 501 w/HA 1; HB 554; HB 619; HS 1 to HB 539; SB 365 w/SA 1; SB 385 w/SA 1; SB 373; SB 409.**

The following committee reports were announced:

From Administrative Services: **HB 557** - 5 Merits.

From Insurance and Elections: **HB 550** - 3 Merits.

LEGISLATIVE ADVISORY #36, 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 #36, dated June 27, 2002, the Governor signed the following legislation on the dates indicated:

SB #291 aab SA 2 & HA 2 (6/25/02) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS. (Sponsors: Sen. Vaughn & Rep. B. Ennis) (Volume 73, Chapter 313, Laws of Delaware.)

SB #330 (6/25/02) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SEARCH WARRANT RETURNS. (Sponsors: Sen. Adams & Rep. Ewing; Rep. Wagner) (Volume 73, Chapter 314, Laws of Delaware.)

SB #341 aab SA 2 (6/25/02) – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE AND CHAPTER 96, VOLUME 73, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE. (Sponsors: Sen. Blevins & Rep. Maier) (Volume 73, Chapter 315, Laws of Delaware.)

SB #356 (6/25/02) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING. (Sponsors: Sen. Blevins & Rep. Ulbrich & Rep. Maier) (Volume 73, Chapter 316, Laws of Delaware.)

SB #369 (6/25/02) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO IMPLEMENTATION OF SKILLS/KNOWLEDGE SUPPLEMENTS AND PAYMENT OF STIPENDS. (Sponsors: Sen. Cook & Rep. Oberle; Sens. Vaughn, Sokola, Blevins, Henry, Winslow, Bonini, Simpson; Reps. DiPinto, Reynolds, Fallon, Stone, Brady, Schroeder, West) (Volume 73, Chapter 317, Laws of Delaware.)

SB #389 (6/25/02) – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier,

Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton) (Volume 73, Chapter 318, Laws of Delaware.)

SB #390 (6/25/02) – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE BY CODIFYING A SECTION OF THE FISCAL YEAR 2002 BUDGET ACT.

(Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton) (Volume 73, Chapter 319, Laws of Delaware.)

SB #391 aab SA 1 (6/25/02) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton) (Volume 73, Chapter 320, Laws of Delaware.)

SB #392 (6/25/02) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton) (Volume 73, Chapter 321, Laws of Delaware.)

SB #394 (6/25/02) – AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT. (Sponsors: Sen. Vaughn & Rep. DiPinto; Sens. Cook, Henry, McBride, Cloutier, Winslow; Reps. Buckworth, D. Ennis, Fallon, Brady, Houghton) (Volume 73, Chapter 322, Laws of Delaware.)

SB #395 (6/25/02) – AN ACT TO AMEND AN ACT BEING, CHAPTER 2 OF VOLUME 73, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE” TO PROVIDE FOR REFUNDING ALL OUTSTANDING BONDS OR OTHER INDEBTEDNESS OF THE TOWN TO INCLUDE REFINANCING SUCH BONDS OR OTHER EVIDENCES OF INDEBTEDNESS AND TO INCLUDE REFUNDING PROCEDURES EVEN IF THERE IS A PREMIUM TO REPAY. (Sponsors: Sen. Bunting & Rep. Price) (Volume 73, Chapter 323, Laws of Delaware.)

SB #433 (6/25/02) – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE LICENSING OF PROFESSIONAL INSURANCE PERSONNEL. (Sponsors: Sen. Sharp & Rep. Smith) (Volume 73, Chapter 324, Laws of Delaware.)

SB #436 (6/25/02) – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO FEES, COSTS, AND CHARGES TO BE COLLECTED BY THE INSURANCE COMMISSIONER. (Sponsors: Sen. Sharp & Rep. Smith) (Volume 73, Chapter 325, Laws of Delaware.)

HB #448 (6/25/02) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICIAL STATE MARINE ANIMAL. (Sponsors: Rep. Schroeder & Sen. Bunting; Reps. B. Ennis, Gilligan, Price, Quillen, Wagner, West; Sens. Blevins, DeLuca, Simpson) (Volume 73, Chapter 326, Laws of Delaware.)

HB #477 (6/25/02) – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION. (Sponsors: Rep. Stone & Sen. Cook) (Volume 73, Chapter 327, Laws of Delaware.)

A communication to Bernard J. Brady, Secretary of the Senate from Representative Stephanie A. Ulbrich was read into the record informing the Senate that the final Joint Sunset Committee Report for 2002 review has been submitted.

At 05:57 PM on motion of Senator Adams, the Senate adjourned and immediately convened the Forty-sixth Legislative Day.

**46th LEGISLATIVE DAY
141st GENERAL ASSEMBLY
SECOND SESSION
JUNE 30, 2002**

The Senate convened at 05:57 PM with Lt. Governor Carney presiding.
A prayer was offered by Senator 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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

Foster Massie: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Remus, Barbara A.: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Lanouette, Paul: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Holden, Dwight: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Stegemeier, Edward J.: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Williamson, George H.: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Neal, James E.: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator Amick commented on the appointment of James Neal.

Senator McDowell requested that **SB 448** be Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules.

Senator(s) Amick, Connor and Simpson commented.

Senator McDowell moved to lay **SB 448** on the Table. No objection.

SB 337 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Henry.

SB 337 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES FOR PERSONS CONVICTED OF DRUG OFFENSES.

SA 1 to SB 337 was brought before the Senate for consideration on the motion of Senator Henry.

Senator Henry requested that **SA 1 to SB 337** be Stricken. No objection.

SA 2 to SB 337 was brought before the Senate for consideration on the motion of Senator Henry.

Senator Still questioned the sponsor, after which Senate Henry requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

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

Roll call vote on **SA 2 to SB 337** was taken and revealed:

YES: 17

NO: Senator(s) Bonini - 1.

NOT VOTING: Senator(s) McDowell, Still, Vaughn - 3.

SA 2 to SB 337 was declared part of the bill.

SB 337 w/SA 2 was now before the Senate.

Roll call vote on **SB 337 w/SA 2** was taken and revealed:

YES: 19

NO: Senator(s) Bonini - 1.

NOT VOTING: Senator(s) Vaughn - 1.

SB 337 w/SA 2 was declared passed the Senate as amended and sent to the House for Consideration.

HB 190 w/HA 1 & HA 3 was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

HB 190 w/HA 1 & HA 3 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE VOLUNTEER FIRE SERVICE REVOLVING LOAN FUND PROGRAM.

SA 1 to HB 190 was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to HB 190** was taken and revealed:

YES: 21

SA 1 to HB 190 was declared part of the bill.

HB 190 w/HA 1, 3 & SA 1 was now before the Senate.

Senator(s) Bonini and Cook commented.

Roll call vote on **HB 190 w/HA 1, 3 & SA 1** was taken and revealed:

YES: 21

HB 190 w/HA 1, 3 & SA 1 was declared passed the Senate and sent to the House for Reconsideration.

Senator Adams moved that all bills needing suspension of the necessary rules be read one time instead of twice. No objection.

HB 382 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HB 382 w/HA 1 - AN ACT TO AMEND TITLE 10, CHAPTER 81 OF THE DELAWARE CODE RELATING TO LIMITATIONS FROM CIVIL LIABILITY FOR CERTAIN VOLUNTEERS.

Roll call vote on **HB 382 w/HA 1** was taken and revealed:

YES: 21

HB 382 w/HA 1 was declared passed the Senate and returned to the House.

HB 421 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

HB 421 w/HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL AND PARAMEDIC SERVICES.

Roll call vote on **HB 421 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

HB 421 w/HA 1 was declared passed the Senate and returned to the House.

HB 434 was brought before the Senate for consideration on the motion of the floor manager, Senator DeLuca.

HB 434 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES.

Senator Connor questioned the sponsor, after which Senator DeLuca requested the privilege of the floor for Capt. David Deputy, representing the Delaware State Police.

The witness was excused after addressing the Senate.

Roll call vote on **HB 434** was taken and revealed:

YES: 21

HB 434 was declared passed the Senate and returned to the House.

HB 435 was brought before the Senate for consideration on the motion of the floor manager, Senator DeLuca.

HB 435 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE SECURITY SYSTEMS AND PROTECTIVE SERVICES.

Roll call vote on **HB 435** was taken and revealed:

YES: 21

HB 435 was declared passed the Senate and returned to the House.

HB 437 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

HB 437 w/HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO STATE EMERGENCY RESPONSE COMMISSION; AND PROVIDING FOR EMERGENCY PLANNING AND RESPONSE.

Roll call vote on **HB 437 w/HA 1** was taken and revealed:

YES: 21

HB 437 w/HA 1 was declared passed the Senate and returned to the House.

HB 443 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Adams.

HB 443 - AN ACT TO AMEND CHAPTER 39, TITLE 7 OF THE DELAWARE CODE RELATING TO THE USE OF THE STATE DREDGE.

Several Senators commented.

Senator Bunting requested the privilege of the floor for David Small, representing DNREC.

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

Senator Bonini commented.

Roll call vote on **HB 443** was taken and revealed:

YES: 5

NO: Senator(s) Adams, Amick, Blevins, Bonini, Cloutier, Connor, DeLuca, Henry, McBride, McDowell, Sharp, Vaughn, Winslow - 13.

NOT VOTING: Senator(s) Simpson, Sorenson - 2.

ABSENT: Senator(s) Venables - 1.

HB 443 was Defeated and returned to the House.

HB 493 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 493 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT OF ASSISTANT COUNTY ATTORNEYS.

Senator Sokola requested the privilege of the floor for Sherry Freebury, representing New Castle County.

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

Roll call vote on **HB 493** was taken and revealed:

YES: 21

HB 493 was declared passed the Senate and returned to the House.

The Secretary announced a message from the House informing the Senate that it had passed **HB 600**.

HB 600 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Blevins.

HB 600 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2003; DEAUTHORIZING STATE GUARANTEED BOND AUTHORIZATIONS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; DIRECTING THE DEPOSIT OF CERTAIN FUNDS TO THE GENERAL FUND; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS; AND AMENDING THE LAWS OF DELAWARE. Sponsor: Rep. Roy; Sen. Blevins; Reps. Carey, Lofink, Oberle, Schroeder, Williams, Cathcart, Miro, Stone, Wagner, Keeley; Sens. Cook, McBride, Venables, Bonini, Connor

Senators McBride and Amick commented.

The Debt statement was approved as read on motion of Senator Blevins.

Roll call vote on **HB 600** was taken and revealed:

YES: 21

HB 600 was declared passed the Senate and returned to the House.

HS 1 to HB 385 was brought before the Senate for consideration on the motion of the floor manager, Senator Sharp.

HS 1 to HB 385 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE SURVIVORS' ELIGIBILITY FOR PENSION BENEFITS.

SA 1 to HS 1 to HB 385 was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 1 to HS 1 to HB 385** was taken and revealed:

YES: 21

SA 1 to HS 1 to HB 385 was declared part of the bill.

HS 1 to HB 385 w/SA 1 was now before the Senate.

Senator(s) Simpson and McBride commented.

Senator Sharp represented the privilege of the floor for David Craik, representing the Pension office.

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

Senator Venables commented.

Roll call vote on **HS 1 to HB 385 w/SA 1** was taken and revealed:

YES: 16

NO: Senator(s) Venables - 1.

NOT VOTING: Senator(s) Amick, McBride, Simpson, Still - 4.

HS 1 to HB 385 w/SA 1 was declared passed the Senate as amended and sent to the House for Reconsideration.

HB 4 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 4 w/HA 2 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DNA ANALYSIS AND DATA BANK.

Senator Bonini questioned the sponsor, after which Senator Vaughn requested the privilege of the floor for Steve Wood, representing the Attorney General office.

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

Roll call vote on **HB 4 w/HA 2** was taken and revealed:

YES: 16

NO: Senator(s) Henry, Marshall, Venables - 3.

NOT VOTING: Senator(s) McBride, McDowell - 2.

HB 4 w/HA 2 was declared passed the Senate and returned to the House.

HB 438 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Vaughn.

HB 438 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL FOR CERTAIN CRIMES.

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

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

Roll call vote on **HB 438** was taken and revealed:

YES: 16

NO: Senator(s) Henry, Marshall, Venables - 3.

NOT VOTING: Senator(s) Blevins, Bonini - 2.

HB 438 was declared passed the Senate and returned to the House.

HB 566 was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager Senator Henry.

HB 566 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO LIMITATIONS ON FEES AND CHARGES FOR CASHING CHECKS OR MONEY ORDERS.

Roll call vote on **HB 566** was taken and revealed:

YES: 21

HB 566 was declared passed the Senate and returned to the House.

HB 7 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 Sokola.

HB 7 w/HA 1 - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE UTILIZATION OF PROFESSIONAL EDUCATORS IN CRITICAL CURRICULAR AREAS.

Senator Sokola moved to lay **HB 7 w/HA 1** on the Table. No objection.

HB 291 w/HA 1 & HA 2 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Sokola.

HB 291 w/HA 1 & HA 2 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SAFETY.

Senator Sorenson requested her name be added as a co-sponsor.

Roll call vote on **HB 291 w/HA 1 & HA 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

HB 291 w/HA 1 & HA 2 was declared passed the Senate and returned to the House.

HB 515 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 515 - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO PARKING AUTHORITIES.

Senator(s) McDowell and Amick commented.

Roll call vote on **HB 515** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Simpson - 2.

HB 515 was declared passed the Senate and returned to the House.

HB 535 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 535 w/HA 1 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

SA 1 to HB 535 was brought before the Senate for consideration on motion of Senator Still.

Senator Still moved that **SA 1 to HB 535** be Stricken. No objection.
SA 2 to HB 535 was brought before the Senate for consideration on motion of Senator Still.

Senator Still moved to lay **SA 2 to HB 535** on the Table. No objection.
 Senator Cook moved to lay **HB 535 w/HA 1** on the Table. No objection.
HB 338 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Adams.
HB 338 - AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO THE DELAWARE NATIONAL GUARD.
 Roll call vote on **HB 338** was taken and revealed:
 YES: 20
 ABSENT: Senator(s) Sharp - 1.
HB 338 was declared passed the Senate and returned to the House.
HB 451 w/HA 1 aab HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.
HB 451 w/HA 1 aab HA 1 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE POLICE.
 Senator Simpson questioned the floor manager, after which Senator Vaughn requested the privilege of the floor for David Craik, representing the Pension office. Several Senators questioned the witness, after which the witness was excused.
 Roll call vote on **HB 451 w/HA 1 aab HA 1** was taken and revealed:
 YES: 20
 ABSENT: Senator(s) McBride - 1.
HB 451 w/HA 1 aab HA 1 was declared passed the Senate and returned to the House.
HB 550 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.
HB 550 w/HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION OFFICERS.
 Senator(s) Bonini and Sokola commented.
 Roll call vote on **HB 550 w/HA 1** was taken and revealed:
 YES: 11
 NO: Senator(s) Adams, Amick, Bonini, Bunting, Sharp, Simpson, Sorenson, Venables - 8.
 NOT VOTING: Senator(s) Still, Vaughn - 2.
HB 550 w/HA 1 was declared passed the Senate and returned to the House.
HB 614 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Marshall.
HB 614 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.
 Several Senators commented.
 Senator Marshall moved to lay **HB 614** on the Table. No objection.
 Senator Marshall requested that **HB 630** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.
 Senator Marshall deferred to Senator McDowell.
 Senator Vaughn requested the privilege of the floor for Commissioner of Correction, Stanley Taylor.
 Several Senators questioned the witness, after which the witness was excused.
 Senator McDowell requested the privilege of the floor for Sherry Freebury, representing New Castle County.
 The witness was excused after addressing the Senate.
 Roll call vote on **HB 630** was taken and revealed:
 YES: 9
 NO: Senator(s) Adams, Amick, Bunting, Cook, McBride, Simpson, Sorenson, Still, Vaughn, Venables, Winslow - 11.
 ABSENT: Senator(s) Bonini - 1.
HB 630 was declared Defeated.
HB 329 was brought before the Senate for consideration on the motion of the floor manager, Senator DeLuca.
HB 329 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS AND OFF-SITE CATERERS.

SA 1 to HB 329 was brought before the Senate for consideration on motion of Senator DeLuca.

Roll call vote on **SA 1 to HB 329** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

SA 1 to HB 329 was declared part of the bill.

HB 329 w/SA 1 was now before the Senate for consideration.

Roll call vote on **HB 329 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

HB 329 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

Senator Cook requested that **HB 535 w/HA 1** be Lifted from the Table and brought before the Senate for Consideration.

SA 2 to HB 535 was brought before the Senate for consideration on the motion of Senator Still.

Senator Cook requested the privilege of the floor for F. J. (Mike) O'Neill, Jr., representing American Coalition of Life Insurers.

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

Roll call vote on **SA 2 to HB 535** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

SA 2 to HB 535 was declared part of the bill.

HB 535 w/HA 1 & SA 2 was now before the Senate.

Roll call vote on **HB 535 w/HA 1 & SA 2** was taken and revealed:

YES: 21

HB 535 w/HA 1 & SA 2 was declared passed the Senate and sent to the House for Reconsideration.

Senator Marshall requested that **HB 614** be Lifted from the Table and brought before the Senate for Consideration.

Senator Venables commented.

Roll call vote on **HB 614** was taken and revealed:

YES: 14

NO: Senator(s) Adams, Bonini, Cook, Still, Vaughn, Venables - 6.

ABSENT: Senator(s) McDowell - 1.

HB 614 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 35 - REQUESTING THAT THE INSURANCE COMMISSIONER PROMPTLY CONSIDER AND ENACT REGULATIONS RELATING TO THE PROPER USE OF CREDIT SCORING BY INSURERS IN THE STATE OF DELAWARE. Sponsor: Sen. Still.

HCR 30 - ESTABLISHING A TASK FORCE TO STUDY AND MAKE FINDINGS AND RECOMMENDATIONS REGARDING DRIVER DISTRACTIONS, INCLUDING MOBILE TELEPHONE USE AS WELL AS OTHER KINDS OF DISTRACTIONS, AND THEIR EFFECTS ON HIGHWAY SAFETY. Sponsor: Rep. Hudson & Rep. Miro & Sen. Henry & Sen. Sokola.

HCR 55 - ESTABLISHING THE FALSE SECURITY ALARM TASK FORCE TO STUDY AND MAKE FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANTLY DECREASING THE NUMBER OF POLICE RESPONSES TO FALSE ALARMS. Sponsor: Rep. Gilligan; Reps. Boulden, Thornburg.

HCR 56 - REQUESTING CONGRESS RENAME THE NATIONAL NURSE SERVICE CORPS SCHOLARSHIP PROGRAM TO HONOR LUCILLE PETRY. Sponsor: Rep. Fallon & Sen. Simpson; On behalf of all Representatives & On behalf of all Senators.

SCR 37 was removed from the **Senate Consent Calendar** at the request of Senator Bonini. No objection.

A roll call vote was taken on **SENATE CONSENT CALENDAR #14** and revealed 20 Senators voting YES, 1 (Simpson) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The House Concurrent Resolutions were

returned to the House and the Senate Concurrent Resolution was sent to the House for Consideration.

Senator Sharp moved to have the Reading Clerk read in its entirety a tribute to Ned Davis.

SR 19 was introduced and brought before the Senate for consideration and was read in its entirety on the motion of Senator Adams.

SR 19 - PAYING TRIBUTE TO THE HONORABLE THOMAS B. SHARP, PRESIDENT PRO TEMPORE OF THE DELAWARE STATE SENATE, AS HE PREPARES TO RETIRE FROM HIS DUTIES. Sponsor: Sen. Adams; On behalf of all Senators.

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

YES: 21.

SR 19 was declared Adopted.

Senator Sharp commented.

HB 94 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 94 w/HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIAL AND NONPROFESSIONAL SERVICES BY BONA FIDE NONPROFIT ORGANIZATIONS.

Senator Sharp presiding at 10:28 PM.

Senator Amick commented.

Roll call vote on **HB 94 w/HA 1** was taken and revealed:

YES: 21

HB 94 w/HA 1 was declared passed the Senate and returned to the House.

HB 302 was brought before the Senate for consideration under the suspension of the necessary rules on motion of the floor manager, Senator Adams.

HB 302 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT EMPLOYEE RELATIONS BOARD.

Roll call vote on **HB 302** was taken and revealed:

YES: 21

HB 302 was declared passed the Senate and returned to the House.

HB 501 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 Marshall.

HB 501 w/HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 28 OF THE DELAWARE CODE RELATING TO BINGO.

Senator(s) Amick and McBride commented.

Senator Marshall moved to lay **HB 501 w/HA 1** on the Table. No objection.

Senator Sokola requested that **HS 1 to HB 539** be Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules.

HS 1 to HB 539 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO NOTICE OF MONITORING.

Senator Bonini commented.

Roll call vote on **HS 1 to HB 539** was taken and revealed:

YES: 19

NO: Senator(s) Still - 1.

NOT VOTING: Senator(s) McBride - 1.

HS 1 to HB 539 was declared passed the Senate and was returned to the House.

HB 553 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Vaughn.

HB 553 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO VOTING PROCEDURE.

Roll call vote on **HB 553** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

HB 553 was declared passed the Senate and returned to the House.

HB 585 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Vaughn.

HB 585 - AN ACT TO AMEND CHAPTER 63 OF TITLE 21 OF THE DELAWARE CODE RELATING TO THE SALE OF MOTOR VEHICLES.

Senator(s) McDowell and Amick commented.

Roll call vote on **HB 585** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.
HB 585 was declared passed the Senate and returned to the House.
 Senator Adams moved to recess for Party Caucus at 10:48 PM.
 The Senate reconvened at 11:25 PM with Lt. Governor Carney presiding.
HB 475 w/HA 1 was brought before the Senate for consideration on motion of the floor manager, Senator DeLuca.
HB 475 w/HA 1 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION AND INTERSCHOLASTIC ATHLETICS.
SA 1 to HB 475 was brought before the Senate for consideration on motion of Senator Vaughn.
 Senator DeLuca moved to lay **SA 1 to HB 475** on the Table. No objection.
 Senator Vaughn moved to lay **HB 475 w/HA 1** on the Table. No objection.
HB 528 w/HA 1, 2 & 3 was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.
HB 528 w/HA 1, 2 & 3 - AN ACT TO AMEND TITLES 10, 11, AND 16 OF THE DELAWARE CODE RELATING TO THE CHILD PROTECTION REGISTRY AND CRIMINAL BACKGROUND CHECKS.
SA 1 to HB 528 was brought before the Senate for consideration on motion of Senator Venables.
 Senator Still commented.
 Roll call vote on **SA 1 to HB 528** was taken and revealed:
 YES: 18
 ABSENT: Senator(s) Blevins, Bonini, Simpson - 3.
SA 1 to HB 528 was declared part of the bill.
SA 2 to HB 528 was brought before the Senate for consideration on the motion of Senator Marshall.
 Senator Amick commented.
 Roll call vote on **SA 2 to HB 528** was taken and revealed:
 YES: 19
 ABSENT: Senator(s) Bonini, Simpson - 2.
SA 2 to HB 528 was declared part of the bill.
SA 3 to HB 528 was brought before the Senate for consideration on motion of Senator Cloutier.
 Roll call vote on **SA 3 to HB 528** was taken and revealed:
 YES: 18
 ABSENT: Senator(s) Bonini, Marshall, Simpson - 3.
SA 3 to HB 528 was declared part of the bill.
HB 528 w/HA 1, 2, 3 & SA 1, 2 & 3 was now before the Senate.
 Senator(s) Venables and Still questioned the floor manager, after which Senator McDowell requested the privilege of the floor for Tania Culley, representing the Office of the Child Advocate.
 The witness was excused after addressing the Senate.
 Roll call vote on **HB 528 w/HA 1, 2, 3 & SA 1, 2 & 3** was taken and revealed:
 YES: 20
 ABSENT: Senator(s) Bonini - 1.
HB 528 w/HA 1, 2, 3 & SA 1, 2 & 3 was declared passed the Senate and returned to the House for Reconsideration.
 On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies made available.

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

6/30/02

June 26, 2002

SA 1 to HB 407 - Sponsor: Sen. Vaughn; Placed with the bill.
SA 1 to SB 331 - Sponsor: Sen. Amick; Placed with the bill.
SA 2 to HB 239 - Sponsor: Sen. Blevins; Placed with the bill.
SA 2 to SB 331 - Sponsor: Sen. Amick; Placed with the bill.

SB 447 - AN ACT TO AMEND CHAPTER 237, VOLUME 51 LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE' RELATING TO THE DATE UPON WHICH GENERAL ELECTIONS ARE HELD. Sponsor: Sen. Adams; Ewing; **LOT**.

SB 448 - AN ACT TO AMEND TITLES 11 AND 21 OF THE DELAWARE CODE RELATING TO PARKING VIOLATIONS. Sponsor: Sen. McDowell; **LOT**.

June 27, 2002

SA 2 to SB 442 - Sponsor: Sen. Bunting; Placed with the bill.

June 30, 2002

HCR 48 - A CONCURRENT RESOLUTION REQUESTING THAT THE DIVISION OF MOTOR VEHICLES AND DEPARTMENT OF PUBLIC SAFETY PLACE RACIAL BACKGROUND AS A DATA ELEMENT ON DELAWARE DRIVERS' LICENSES AND ACCIDENT REPORTS. Sponsor: Rep. Ewing; Williams; **Executive**.

* * *

At 11:53 PM on motion of Senator Adams, the Senate adjourned Second Session of the 141st General Assembly and immediately convened for the Second Special Session.

**SECOND SPECIAL SESSION
JULY 1, 2002**

Pursuant to the following communication, the Senate was called to order into Session at 12:00 midnight, July 1, 2002 with Lt. Governor Carney presiding.

**STATE OF DELAWARE
OFFICE OF THE LIEUTENANT GOVERNOR**

TO: The Members of the 141st General Assembly

FROM: John C. Carney, Jr., Lieutenant Governor of the State of Delaware
Terry R. Spence, Speaker of the House of Representatives

SUBJECT: Special Session

DATE: July 01, 2002

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, as amended, we hereby declare the 141st General Assembly of the State of Delaware in Special Session.

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

(Signed) Terry R. Spence
Speaker of the House of Representative

* * *

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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

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

HS 1 to HB 483 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.

HS 1 to HB 483 w/HA 1 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO PROTECTED WILDLIFE AND LICENSES.

Roll call vote on **HS 1 to HB 483 w/HA 1** was taken and revealed:

YES: 21

HS 1 to HB 483 w/HA 1 was declared passed the Senate and was returned to the House.

Senator DeLuca requested that **HB 475 w/HA 1** be Lifted from the Table and brought before the Senate for Consideration.

SA 1 to HB 475 was Lifted from the Table and brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Still commented.

Roll call vote on **SA 1 to HB 475** was taken and revealed:

YES: 18

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

ABSENT: Senator(s) Henry - 1.

SA 1 to HB 475 was declared part of the bill.

HB 475 w/HA 1 & SA 1 was now before the Senate.

Roll call vote on **HB 475 w/HA 1 & SA 1** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1.

HB 475 w/HA 1 & SA 1 was declared passed the Senate and sent to the House for Reconsideration.

HB 286 was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HB 286 - AN ACT TO AMEND CHAPTER 43, TITLE 30 OF THE DELAWARE CODE RELATING TO USE TAX ON LEASES OF TANGIBLE PERSONAL PROPERTY.

SA 1 to HB 286 was brought before the Senate for consideration on the motion of Senator Marshall.

Roll call vote on **SA 1 to HB 286** was taken and revealed:

YES: 21

SA 1 to HB 286 was declared part of the bill.

HB 286 w/SA 1 was now before the Senate.

Roll call vote on **HB 286 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell - 1.

HB 286 w/SA 1 was declared passed the Senate and sent to the House for Reconsideration.

HB 584 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 584 - AN ACT TO AMEND TITLE 14 AND 21 OF THE DELAWARE CODE RELATING TO DRUG AND ALCOHOL TESTING OF PUBLIC SCHOOL BUS DRIVERS AND THE ISSUANCE OF A SCHOOL BUS ENDORSEMENT TO DELAWARE DRIVER'S LICENSES.

Senator(s) Still and McBride commented.

Roll call vote on **HB 584** was taken and revealed:

YES: 21

HB 584 was declared passed the Senate and returned to the House.

HB 558 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 558 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION.

Roll call vote on **HB 558** was taken and revealed:

YES: 21

HB 558 was declared passed the Senate and returned to the House.

Senator McBride moved to reconsider **HB 630**.

Senator McDowell moved that the roll call be rescinded.

Senator(s) McDowell, Simpson and Bonini commented.

Roll call vote on **HB 630** was taken and revealed:

YES: 12

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

ABSENT: Senator(s) Cook - 1.

HB 630 was declared passed the Senate and returned to the House.

HB 542 was brought before the Senate for consideration under the suspension of the necessary rules on motion of the floor manager, Senator Adams.

HB 542 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO FIDUCIARIES.

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

The witness was excused after addressing the Senate.

Roll call vote on **HB 542** was taken and revealed:

YES: 21

HB 542 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 Adams.

HB 541 - AN ACT AMENDING TITLE 12, DELAWARE CODE RELATING TO TRUSTS.

Senator Adams requested the privilege of the floor for Francis Murphy, Senate Attorney.

The witness was excused after addressing the Senate.

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 588 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator DeLuca.

HB 588 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO REQUIREMENTS GOVERNING THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER'S ACTION ON APPLICATIONS FOR LICENSURE AND ON HEARINGS TO CONSIDER APPLICATIONS.

Roll call vote on **HB 588** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

HB 588 was declared passed the Senate and returned to the House.

HB 536 was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

HB 536 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO TITLE INSURANCE.

Roll call vote on **HB 536** was taken and revealed:

YES: 21

HB 536 was declared passed the Senate and returned to the House.

HB 615 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Sokola.

HB 615 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO UNIFORM COMMERCIAL CODE FILING FEES.

Roll call vote on **HB 615** was taken and revealed:

YES: 21

HB 615 was declared passed the Senate and returned to the House.

HB 562 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator McBride.

HB 562 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE CLEAN AIR ACT TITLE V OPERATING PERMIT PROGRAM.

Roll call vote on **HB 562** was taken and revealed:

YES: 21

HB 562 was declared passed the Senate and returned to the House.

HB 108 w/HA 1 was brought before the Senate for consideration on the motion of the floor manager, Senator Sharp.

HB 108 w/HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEE'S PENSION PLAN; AND PROVIDING A CREDITED SERVICE OPTION FOR TEACHERS FORMERLY EMPLOYED IN THE "JOBS FOR DELAWARE GRADUATES" PROGRAM.

Roll call vote on **HB 108 w/HA 1** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1

HB 108 w/HA 1 was declared passed the Senate and returned to the House.

HB 492 was brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

HB 492 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION OF PUBLIC UTILITIES.

Senator Bonini commented.

Roll call vote on **HB 492** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, McDowell, Venables - 3

ABSENT: Senator(s) Simpson - 1

HB 492 was declared passed the Senate and returned to the House.

HB 480 w/HA 3 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Adams.

HB 480 w/HA 3 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO FINANCIAL INSTITUTIONS.

Senator Adams requested the privilege of the floor for Keith Ellis and Duane Morris, representing County Bank.

SA 1 to HB 480 was brought before the Senate for consideration on the motion of Senator Adams.

Senator Adams moved to lay **SA 1 to HB 480** on the Table. No objection.

Roll call vote on **HB 480 w/HA 3** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1

HB 480 w/HA 3 was declared passed the Senate and returned to the House.

HB 598 w/HA 1 & 2 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Marshall.

HB 598 w/HA 1 & 2 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

Senator Amick commented.

Senator Marshall requested the privilege of the floor for Guy Sapp, representing Family Court.

The witness was excused after addressing the Senate.

Roll call vote on **HB 598 w/HA 1 & 2** was taken and revealed:

YES: 19

NOT VOTING: Senator(s) Sharp - 1

ABSENT: Senator(s) McDowell - 1

HB 598 w/HA 1 & 2 was declared passed the Senate and returned to the House.

HB 582 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator Cook.

HB 582 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE INTERSTATE LICENSING COMPACT IN ORDER TO INCLUDE HARNESS RACING.

Roll call vote on **HB 582** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1

HB 582 was declared passed the Senate and returned to the House.

HB 503 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 503 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT.

Senator McBride questioned the floor manager, after which Senator Sokola requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

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

Roll call vote on **HB 503** was taken and revealed:

YES: 19

NO: Senator(s) McBride, McDowell - 2

HB 503 was declared passed the Senate and returned to the House.

HB 497 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HB 497 - 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", TO AMEND SECTION 30 BY ADDING A NEW SUBSECTION (47) TO AUTHORIZE THE TOWN TO RECEIVE BEQUESTS, GIFTS AND DONATIONS OF ALL KINDS AND TO DISPOSE OF THE SAME.

Roll call vote on **HB 497** was taken and revealed:

YES: 20

NO: Senator(s) McDowell - 1

HB 497 was declared passed the Senate and returned to the House.

On motion of Senator Adams, the Senate recessed at 01:13 AM to the Call of the Presiding Pro Tempore.

**1st EXECUTIVE SESSION
141st GENERAL ASSEMBLY
OCTOBER 10, 2002**

The Senate convened at 06:00 PM with Lt. Governor Carney presiding.
Pursuant to the following Proclamation which was read to the members.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER, 19901

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 October 3, 2002 for the transaction of executive business, including the consideration of the nominations and appointments of persons to serve in judicial offices 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 the 26th day of September in the year of Our Lord Two Thousand Two and of the Independence of the United States of America Two Hundred Twenty-Six.

(Signed) Ruth Ann Minner
Governor

Attested:
(Signed) Harriet Smith Windsor
Secretary of State
* * *

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, DeLuca, Henry, Marshall, McBride, McDowell, Sharp, Simpson, Sokola, Sorenson, Still, Vaughn, Venables, Winslow - 21.

Senator Sharp rose to clarify the date on the Proclamation from the Governor.

Senator Sharp presented a Memorial in honour of the life of Hilda McCabe Adams to the Majority Leader, Thurman Adams, Jr. The memorial was read to the record in its entirety, after which there was a moment of silence in her honour.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nominations of the Governor.

Henry duPont Ridgely 215 East Camden-Wyoming Avenue Camden, DE 19934	To be reappointed President Judge of the Superior Court of the State of Delaware to serve a twelve year term from the date of swearing in.
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Senator(s) Sharp and Adams commented.

Ridgely, Henry duPont: 21 Senator(s) voting YES. Appointment CONFIRMED.

Senator Adams requested the privilege of the floor for Judge Ridgely.

The witness was excused after addressing the Senate.

Andrew T. Horsey
215 Eagle View Lane
Camden, DE 19934

To be reappointed
Commissioner of Family
Court for Kent County to
serve a four year term from
date of swearing in.

Horsey, Andrew T.: 21 Senator(s) voting YES. Appointment CONFIRMED.

Andrew Southmayd
33536 Water Mill Lane
Ocean View, DE 19970

To be reappointed
Commissioner of Family
Court for Sussex County to
serve a four year term from
date of swearing in.

Southmayd, Andrew: 21 Senator(s) voting YES. Appointment CONFIRMED.

Loretta M. Young
1159 Bunker Hill Road
Middletown, DE 19709

To be reappointed
Commissioner of Family
Court for New Castle County
to serve a four year term from
date of swearing in.

Young, Loretta M.: 21 Senator(s) voting YES. Appointment CONFIRMED.

Maiorano, John M.: 21 Senator(s) voting YES. Appointment CONFIRMED.

Moore, Suzanne: 21 Senator(s) voting YES. Appointment CONFIRMED.

Louis F. Owens, Jr., M.D.
9645 Cedar Lane
Seaford, DE 19973

To be reappointed a Board
member of the Delaware
Technical and Community
College Board of Trustees to
serve a term of 3 years.

Owens, Louis F., Jr., M.D.: 21 Senator(s) voting YES. Appointment CONFIRMED.

Deborah Ann McNesby
822 Jasmine Drive
Wilmington, DE 19802

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

McNesby, Deborah Ann: 21 Senator(s) voting YES. Appointment CONFIRMED.

Jennifer Wagner Davis
49 Reserve Drive
Camden, DE 19934

To be appointed Director of
the Budget Office to serve at
the pleasure of the Governor.

Davis, Jennifer Wagner: 21 Senator(s) voting YES. Appointment CONFIRMED.

Judy McKinney-Cherry
1262 Alley Mill Road
Clayton, DE 19938

To be appointed Director of
Delaware Economic
Development Office to serve
at the pleasure of the
Governor.

McKinney-Cherry, Judy: 21 Senator(s) voting YES. Appointment CONFIRMED.

John Anthony Hughes
74 Columbia Avenue
Rehoboth Beach, DE 19971

To be appointed Secretary of
Delaware Natural Resources
and Environmental Control to
Serve at the pleasure of the
Governor.

Hughes, John Anthony: 21 Senator(s) voting YES. Appointment CONFIRMED.
Senator Adams requested the privilege of the floor for Secretary Hughes.
The witness was excused after addressing the Senate.

HB 354 w/HA 1 was brought before the Senate for consideration under the suspension the necessary rules on the motion of the floor manager, Senator Vaughn.

HB 354 w/HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE EMPLOYEE'S PENSION PLAN

Senator Bonini commented.

Roll call vote on **HB 354 w/HA 1** was taken and revealed:

YES: 19

NO: Senator(s) Bonini - 1

ABSENT: Senator(s) Simpson - 1

HB 354 w/HA 1 was declared passed the Senate and was returned to the House.

HB 547 was brought before the Senate for consideration under the suspension of the necessary rules on the motion of the floor manager, Senator McDowell.

HB 547 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO EXECUTIONS. Sponsor:

Roll call vote on **HB 547** was taken and revealed:

YES: 19

NO: Senator(s) Bonini - 1

ABSENT: Senator(s) Simpson - 1

HB 547 was declared passed the Senate and was returned to the House.

SR 21 was introduced and brought before the Senate for consideration on motion of Senator Sokola.

SR 21 - SUPPORTING CONGRESSIONAL ENACTMENT OF LEGISLATION EXTENDING MEDICARE COVERAGE FOR ANTI-CANCER DRUGS. Sponsor:

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

YES: 20

ABSENT: Senator(s) Simpson - 1

SR 21 was declared Adopted.

Senator Venables rose to announce that it was his 50th Wedding Anniversary.

Senator Amick conveyed parting sentiments to Senator Winslow. Reading Clerk read a tribute after which Senator Amick presented it to him.

Several Senators commented.

Senator Winslow responded.

Senator McBride commented on an award and plaque he received on Delaware's smoking bill.

At 07:05 PM on motion of Senator Adams, the Senate adjourned the Executive Session and recessed 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

