

House of Representatives

Week in Review

For the Week Ending: Friday, March 26, 2010

Around the Hall ***(Briefs from Legislative Hall)***

House to Work Gaming Bill

Controversial legislation to expand legalized gambling beyond Delaware's three current venues will be considered in the State House of Representatives on April 1st.

House Bill 194, which would allow any holder of a Delaware thoroughbred or harness racing license (granted as of September 1, 2008) to operate slot machines, was introduced last year. The measure, sponsored by State House Majority Leader Pete Schwatzkopf (D-Rehoboth Beach), would clear the way for the proposed Del Pointe Race Track complex in Millsboro to move forward. The bill, which bypassed the committee process, has been tabled in the State House of Representatives since June 24th.

Currently, only Delaware's three existing racinos – Delaware Park, Dover Downs, and Harrington Raceway – are authorized to operate slot machines and table games.

If fully constructed as planned, the Del Pointe project would be a massive gaming and entertainment complex that would include a one-mile harness race track with grandstand & paddock; a casino with hotel and convention center; a family resort hotel with indoor waterpark; an indoor sports complex; movie theatres; and restaurants.

Speaker of the House Bob Gilligan (D-Sherwood Park) told legislators March 25th it was his intent to remove the bill from legislative limbo and debate it April 1st.

A host of amendments are expected to be offered to HB 194, including one promised by its lead sponsor, Rep. Schwatzkopf. That amendment would drastically alter the bill, authorizing the addition of two video lottery agents: one in Sussex County and one in the City of Wilmington. Under the proposal, selection of the new venues would be done through an application process conducted by separate Lottery Redevelopment Committees.

House Honors Delaware's Teachers of the Year

The Delaware General Assembly recently recognized the Teachers of the Year from the state's 19 public school districts.

The honorees were selected from the 8,874 educators working in Delaware's 204 public schools. The Teacher of the Year program identifies teachers from each school and school district who embody the best qualities desired in educators.

"We teachers are aware of the awesome responsibility to our students," Mary E. Pinkston, Delaware's State Teacher of the Year for 2010, told House members. "I think I can speak for all of my colleagues when I say that our students are the reason we continue to get up when knocked down; persevere when it seems all is lost; keep asking when consistently told 'no'; and remain passionate about paying attention to the policies that emanate from this building."

State Rep. Ruth Briggs King, who was herself a past district Teacher of the Year, thanked all 19 district honorees and noted that educators have the enviable opportunity to not only advance education, but to touch the lives of their students in a meaningful and lasting way.

Mary E. Pinkston will represent the First State as part of the National Teacher of the Year program, the nation's oldest and most prestigious teaching awards program.

Small Business Caucus Unveils 2010 Priorities

The House of Representatives' Small Business Caucus has taken the wraps off its package of legislative initiatives for 2010. The ambitious agenda, designed to aid Delaware's small businesses, includes measures to level the playing field for in-state contractors; improve prospects for lending to small businesses; and reforming health care insurance.

Organized last year by Reps. Bryon H. Short (D-Highland Woods) and Daniel B. Short (R-Seaford), the House Small Business Caucus was established to address issues related to the state's small businesses community. The informal group is comprised of House members from both political parties, most of which are small businessmen and women.

The U.S. Small Business Administration reports that the latest Census statistics show that businesses in Delaware that employ less than 20 employees make up approximately 80 percent of the firms in the state.

[Action on Bills*](#)

House Concurrent Resolution 27 – (Sponsors: Reps. Oberle & Cathcart & Sen. Bunting, et. al.) – This resolution supports the effort to designate the “Honor and Remember Flag” as a national symbol for remembering our fallen U.S. servicemen and women. Since the Revolutionary War, more than one million members of the United States Armed Forces have been killed in the line-of-duty, but there is no official nationally-recognized symbol acknowledging the sacrifice of these men and women. This resolution urges Delaware’s Congressional delegation to support action on the federal level to advance this cause.
Status: Enacted.

House Bill 345 – (Sponsors: Rep. Q. Johnson. et. al.) – This bill seeks to recognize American Sign Language as a “world language” for the purposes of school curriculum.
Status: Pending action in the House Education Committee.

House Bill 350 – (Sponsors: Rep. Schooley, et. al.) – The sponsors of this believe parents need to make an overt commitment to the education of their children. HB 350 would require schools to ask that parents sign an education compact at the beginning of each academic year. The agreement would reflect an updated Parents’ Declaration of Responsibilities that will be prepared by state officials and representatives of parent organizations. Existing law encourages, but does not require, that parents be asked to sign such a compact. The bill also contains other actions schools would need to take to enhance parental involvement.
Status: Pending action in the House Education Committee.

House Joint Resolution 9 – (Sponsors: Rep. George, et. al.) – This Joint Resolution urges the U.S. Congress to enact legislation implementing a “court fee intercept program” to intercept federal tax refunds to pay overdue state court-ordered restitution, fines, fees and costs.
Status: Pending action in the House Judiciary Committee.

House Bill 203 – (Sponsors: Rep. Hocker, et. al.) – This act designates strawberries as the official state fruit of Delaware.
Status: Passed the General Assembly. Pending consideration of the governor.

House Bill 284 w/ SA 1 – (Sponsors: Rep. J. Johnson, et. al.) – This bill is intended to remove a barrier currently hindering the reporting of sexual assaults and other sexual offenses in Delaware’s prison facilities. Current law criminalizes the conduct for both the victim and perpetrator, causing some

victims to avoid reporting the assaults for fear of prosecution. This bill (as amended) would change the statute to impose criminal liability solely on employees, contractors and volunteers at detention facilities. Prisoner-on-prisoner sexual assaults remain prosecutable under current law.

Status: Passed the General Assembly. Pending consideration of the governor.

House Bill 336 – (Sponsors: Rep. Barbieri, et. al.) – This bill, which has the support of a broad bipartisan coalition, would give Family Court judges greater latitude, allowing them to extend the “no contact” provisions of a “protection from abuse order” (PFAs) from its current one-year limit to two years. The bill would also give judges the discretion to order “no contact” for as long as was deemed necessary in cases where aggravating circumstances existed.

Advocates who work with domestic violence victims say current law is inadequate. Although PFAs may be granted for up to one year, after that initial period is up, victims must petition the court for a six-month extension. After the extension expires, the victim must apply for a new PFA and show that they have suffered additional harm.

Drafted by the Domestic Violence Coordinating Council, HB 336 is supported by Delaware Attorney General Joseph “Beau” Biden III, Governor Jack A. Markell, Rep. Michael A. Barbieri (D-Newark) and Rep. Deborah Hudson (R-Fairthorne). The legislation is co-sponsored by Senate Majority Leader Sen. Patricia Blevins (D-Elsmere) and Senate Minority Whip Sen. Liane Sorenson (R-Hockessin).

Status: Passed the House. Pending action in a Senate Committee.

House Bill 317 (as amended) – (Sponsors: Rep. Byron Short, et. al.) – This bill sought to require that any person who engaged in door-to-door sales display a special identification (ID) card including the person’s name, employer, employer telephone number, employer address and state business license number. It also sought to limit door-to-door sales to between the hours of 9 a.m. to 7 p.m.

Soon after its introduction, organizations ranging from the Girl Scouts to Avon criticized the measure.

Before clearing the House, HB 317 was heavily amended to exempt people conducting home sales events, public utilities, and cable television system operators from both the ID and hours-of-operation requirements. The bill was further amended to clarify that door-to-door sales solicited by mail, email, and Internet would not be subject to the legislation. Additionally, the amended measure would not apply in cases where sales-people were invited to a home by the resident. The fee associated with obtaining a door-to-door salesperson identification card was also eliminated.

Status: Passed the House. Pending action in a Senate Committee.

House Substitute 1 for House Bill 247 (as amended) – (Sponsors: Rep. Keeley, et. al.) – This bill seeks to redefine the Consumer Protection Division in the state Department of Justice and would give the director a broader scope of authority.

Status: Passed the House.

House Bill 338 – (Sponsors: Rep. J. Johnson, et. al.) – This bill would give Delaware judges the ability to “modify, defer, reduce or suspend a minimum or mandatory sentence of one year or less” if the court finds the person to be sentenced has serious, ongoing medical treatment needs which make incarceration inappropriate. The bill would apply only to convicts that do not “pose a substantial risk to the community.” Minimum and mandatory sentences for virtually all violent crimes would not be eligible for modification under this bill since the sentences required for such crimes exceed one year.

Status: Pending consideration of the House Judiciary Committee.

Senate Bill 182 – (Sponsors: Sen. Hall-Long) – This bill would prohibit the use of the title “nurse” unless such person was a registered nurse or a licensed practical nurse. It also includes limits, titles and abbreviations for advanced practice nurses as well. The bill is intended to provide clarity and prevent confusion regarding what medical professionals are qualified to be called “nurses.”

Status: Passed the General Assembly. Pending consideration of the governor.

House Bill 342 – (Sponsors: Rep. Hudson & Sen. Bonini, et. al.) – This is the first leg of a Constitutional Amendment that would require that if the growth of the state’s operating budget exceeded the rate of inflation, a three-fifths majority (60-percent) vote would be needed to pass the spending plan. The supporters of the bill maintain the change would provide a modest check on the growth of state spending. The bill is a revival of legislation introduced during the last legislative session (House Bill 522). As a constitutional amendment, HB 342 would need to be approved by the current General Assembly before June 30, then again by the upcoming 146th General Assembly that begins in January. Constitutional amendments do not require the signature of the governor.

Status: Pending consideration of the House Appropriations Committee.

[*partial list](#)