

House of Representatives

Week in Review

For the Week Ending: Friday, April 23, 2010

[News Items From the House](#)

- **Lawmakers Dealing with Aftermath of Defunct Charitable Fund**

Lawmakers are one step closer to halting the state's money-raising efforts for a defunct children's charitable fund and to disperse the nearly \$32,000 it contains.

The Children's Trust Fund, modeled after similar funds elsewhere, had been set-up to collect donations and then distribute that money via matching grants to organizations assisting children throughout the state.

"I had initially been a board member, but about a decade ago I resigned to avoid any perceived conflict of interest that might have arisen from me being a state legislator," said State Rep. Deborah Hudson (R-Fairthorne). "Still, I would occasionally run into board members and try to catch up on what they were doing."

In 2004, the board's president resigned under a cloud when an audit reportedly revealed that some of trust's funds had not been properly spent. "Everything seemed to fall apart after that," Rep. Hudson said. "The board stopped meeting, appointments lapsed, and no new appointments were made."

However, despite the fact no one was left to distribute grants from the Children's Trust Fund, the state continued to solicit money on the fund's behalf. The main fundraising mechanism was a tax form "check-off," which allowed taxpayers filing their state income tax returns to make a donation to the fund. The state had also been collecting money for the fund through the sale of "heirloom" birth certificates issued by the Bureau of Vital Statistics. A portion of the proceeds from the sale of the display-quality certificates had been earmarked for the fund. A law enacted last year contained language to abolish this latter practice.

Rep. Hudson said over the last several years she has sought information on the status of the Children's Trust Fund with three different Secretaries of Finance, but only started to receive solid information after she recently introduced a bill (House Bill 334) to remove its check-off from the tax form.

While offering testimony before the House Revenue and Finance Committee on Rep. Hudson's bill, Department of Finance officials said that before the Children's Trust Fund board stopped functioning, they made promises to fund grants to several different children's organizations. Oddly, the grants exceeded the funds the trust had available by about \$56,000.

"I was shocked," said committee member State Rep. Michael Ramone (R-Middle Run Valley). "I asked the question several times to make sure I understood what they were saying. The board had not only promised money they didn't have, but pledged more money than they typically took in any two previous years!"

Sec. of Finance Tom Cook said language was inserted into the state's operating budget several years ago, allowing the Office of Management and Budget to administer the Children's Trust Fund to satisfy the promised grants.

"I didn't agree with that move," Rep. Hudson said. "I understand state officials were just trying to make good on the promises made by the board. My point is there was never any attempt to question this. They stuck language into the back of the budget and rubber-stamped the spending of money the fund didn't have."

Even after enough money had flowed into the fund to satisfy the promised grants, the tax form check-off continued to solicit donations. According to Patrick Carter, director of the Division of Revenue, there is approximately \$31,691 currently in the Children's Trust Fund. With no board of directors and no outstanding grants, that money is in financial limbo.

"I'd be in favor of having the Kids' Caucus fashion a plan to appropriately disperse these monies," Rep. Ramone said. The Kids' Caucus, a bipartisan group of approximately two dozen legislators who have banded together to support children's issues in the General Assembly, counts Reps. Hudson and Ramone among its members.

Finance Committee member, State Rep. Gerald Hocker (R-Ocean View), says he's distressed at the dysfunction surrounding the Children's Trust Fund and its tax form check-off. He says there are 12 other funds with similar check-offs and he's interested in examining their operations and ensuring there is some form of oversight to prevent what happened with the Children's Trust Fund from reoccurring.

• **State Police Ready Reserve Unit Abolished**

The Delaware State Police Ready Reserve, a unit established less than four years ago to assist in times of crisis, will soon be eliminated.

Legislation creating the reserve was signed into law in June 2006. Sponsored by then State Rep. Wayne Smith, the law was intended to establish a force of retired state troopers who could be called upon in emergencies when extra assistance was required. In exchange for a five-year commitment, retired troopers joining the reserve received a \$1,500 annual stipend. In the event they were called up, they would have been paid at the rate of an entry-level trooper.

State Rep. Biff Lee (R-Laurel), a 20-year State Police veteran and a co-sponsor of the law establishing the reserve, said national events motivated its creation. "It grew out of the 9/11 attacks and especially the Hurricane Katrina disaster, which had occurred the previous year," he said. "In the wake of Katrina, police from other parts of the country had to go to Louisiana to help local response efforts."

Supporters noted that the reserve held the promise of utilizing the experience and expertise of retirees, while bolstering the standing police force at a very modest cost. They also said that since State Police face mandatory retirement at the age of 55, the reserve could draw on able-bodied men and women.

Despite the good intentions and apparent benefits of such a force, it never lived up to initial expectations. Some retired troopers say the regulations established by the agency's leadership – limiting reserve officers to desk duty and other menial tasks – discouraged retirees from joining. Reportedly, the Ready Reserve had fewer than ten members.

According to people familiar with State Police operations, the reserve had never been activated, even though the State of Emergency that was declared during this past winter's snow storms provided an ideal opportunity to use it.

"I suspect this was never a priority of the State Police and, as a result, it kind of died on the vine," Rep. Lee said.

The Ready Reserve might have languished indefinitely, but the Delaware State Police are currently being evaluated for reaccreditation and the failed initiative was proving a hindrance. To address the situation, State Police officials requested a bill (Senate Bill 224) to abolish the unit. The bill passed the General Assembly unanimously and is now heading to the governor's desk for his signature.

Rep. Lee said while this version of the Ready Reserve proved ineffective, the need to respond quickly in a crisis situation makes the concept is worth revisiting. "At some point in the future, I wouldn't be opposed to meeting with the superintendent and his staff to discuss why this failed and to see if there is something we could do to make it work."

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

Visit by Taiwanese Delegation Strengthens Relationship with First State

A recent visit to Delaware by a Taiwanese trade delegation was intended to cultivate the sister state-province agreement signed by the two governments 10 years ago. The First State maintains a trade office in Taipei and Taiwan continues to be one of the top 10 markets for Delaware exports abroad. The sister state-province relationship promotes not only trade, tourism, and communications, but cultural, educational, and scientific exchanges between the two jurisdictions. Mr. Jason C. Yuan, representing Taipei Economic & Cultural Representative Office, led the delegation and addressed the State House of Representatives on April 20.

Efforts to Improve Sussex Kids' Health Recognized

The Sussex Child Health Promotion Coalition was recently honored in the State House of Representatives for its efforts to improve the health of Sussex County youths. This nationally-recognized organization has fashioned a unified plan for more than 150 partner agencies throughout the county to promote healthy living habits and fight childhood obesity. According to the Centers for Disease Control and Prevention, a 2008 study estimated 17-percent of children and adolescents, ages 2 to 19, are obese. The Tribute was presented by State Rep. Biff Lee to John Hollis, who accepted it on behalf of the Sussex Child Health Promotion Coalition.

Veterinarians Safeguarding Public

The importance of veterinarians to the welfare of the First State was recently recognized by the State House of Representatives (April 20). Members of the Delaware Veterinary Medical Association (DVMA) were in the House chamber to receive a House Tribute acknowledging the organization for their efforts to promote education, cultivate veterinary medical science, and their involvement with animal-related issues. Dr. Craig Stonesifer, president of the DVMA, noted that veterinarians are "the only profession dedicated to protecting both human and animal health." Veterinarians play a key role in protecting public health by monitoring diseases capable of jumping between species, like swine flu. Since 9/11, veterinarians have also taken on a new task as the threat of bio-terrorism has become more prominent. The Tribute was presented by Delaware farmer,

State Rep. V. George Carey (R-Milford), and State Rep. William Carson (D-Smyrna).

Action on Bills*

Senate Bill 197 – (Sponsors: Sen. Blevins, et. al.) – If enacted, this legislation would create the new felony crime of “strangulation.” Currently, cases of strangulation are prosecuted as the crimes of “assault” or “offensive touching,” the latter of which is a misdemeanor. The bill’s supporters say the change is needed because strangulation is a leading indicator in domestic violence deaths. There are 18 states with similar laws on the books.

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

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

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

House Bill 370 – (Sponsors: Rep. Jaques & Sen. Katz) – This bill seeks to re-establish the discontinued practice of registering clergy and ministers authorized to solemnize marriages in Delaware. The legislation would require any clergy person or minister wishing marry people in the First State to register with the county Clerk of the Peace. Supporters of the bill say registration will assure couples that are planning to marry will be able to select someone who is lawfully authorized to perform the ceremony. The bill would also establish registration fees as well as a civil penalty that could be imposed on anyone who performs a marriage ceremony without being registered.

Status: Pending action in the House Health & Human Development Committee.

House Bill 294 w/SA1 – (Sponsors: Rep. Bennett, et. al.) – This bill eliminates the Kent County offices of Receiver of Taxes and Treasurer and transfers their functions to the Kent County Department of Finance. The bill had also originally sought to also eliminate the Kent County Comptroller’s office, but an amendment tacked onto the bill in the Senate removed that provision.

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

House Bill 330 w/SA1 – (Sponsor: Rep. Schwartzkopf, et. al.) – HB 330 would shield from the threat of lawsuits anyone who makes “good faith” donations of equipment to volunteer fire departments. The bill would not apply in cases were those making the donations had engaged in gross negligence or intentional misconduct. The legislation is intended to remove a barrier that may currently be preventing volunteer fire companies from receiving aid.

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

*partial list