

House of Representatives

Week in Review

For the Week Ending: Friday, June 4, 2010

[News Items From the House](#)

- **Bill to Allow Delawareans to Buy Wine Directly Killed, Again**

Delawareans will not soon enjoy the convenience of having wine shipped directly to their homes. In a vote along party lines, a bill to allow the practice has failed to clear a key House of Representatives' committee for the second time.

Unlike most Americans, who are allowed to receive direct wine shipments, Delawareans need to deal with an anachronistic system that forces consumers to place orders through state-licensed alcoholic beverage retailers and distributors. Representatives of both segments of the industry spoke out against House Bill 180 before a recent hearing of the House Economic Development, Banking, Insurance and Commerce Committee.

Mike Ciabattoni, representing unionized delivery and warehouse workers, called consumers "lazy" for wanting direct shipment and said the bill could potentially hurt his members. "For every case delivered by the Internet, it's a case out of my guys' pockets," he said.

"Our current system does work and does serve consumers," Ciro Poppiti told committee members. He noted consumers can currently obtain about 25,000 alcoholic products through Delaware retailers and distributors.

State Rep. Deborah Hudson (R-Fairthorne), the prime sponsor of the direct shipment legislation, said the criticisms are off the mark. "My bill would let consumers order wines that are not available locally. This isn't going to adversely impact local package stores or Delaware distributors."

Rep. Hudson, who said she sponsored the measure at the request of several of her constituents, noted there are approximately 6,000 wineries operating in the U.S. and that the bulk of these are too small to widely distribute their products.

"I think the experience of other states that have passed laws allowing direct shipping can shed light on the issue," said Dennis Cakebread, the co-owner of

Cakebread Cellars, a winery based in California's famed Napa Valley. "These states, which include New York, Michigan, Texas, Virginia, West Virginia and Georgia, are all now collecting tax revenue and license fees on sales which help satisfy consumers' desire for convenience and selection. While early on, there was a lot of concern from distributors that this was going to cut into their business, experience has shown that has not been the case. Direct shipments augment the sales of distributors, they don't replace them."

Under Rep. Hudson's proposal, both wineries and carriers (e.g. United Parcel Service, Federal Express) would need to obtain state licenses or permits. The bill would also place a cap on the amount of wine a consumer could receive annually, would prohibit its re-sale, would require the payment of the state alcoholic beverage tax, and mandate that deliveries could only be made to someone of legal age who signs for the shipment.

Roger Roy, representing the Wine Institute, said approximately 87-percent of Americans already enjoy direct wine shipment. Answering those who expressed fear that such shipments could facilitate the delivery of alcohol to minors, Roy said that has not been the case in the 37 states where the practice is legal. "There is not one winery that has been cited for shipping to a minor," he told the committee.

Delaware is among the shrinking number of states prohibiting direct shipment, as are the neighboring states of Maryland, Pennsylvania and New Jersey. Tennessee had been on the list, but enacted a direct shipping law last July.

Delaware law not only prohibits out-of-state wineries from directly shipping here, it also bars Delaware wineries from sending their products to state residents.

"The way the law is now, I can't call Nassau Valley Vineyards near Lewes and ask them to send a bottle of wine to a friend in Georgetown," Rep. Hudson said. "We ship powerful drugs all over the country by UPS, FedEx and the postal service, but I can't send a bottle of wine down the road? That's ridiculous."

In fact, many Delawareans are breaking the law without realizing it, as State Rep. Mike Ramone (R-Middle Run Valley) recently learned. Rep. Ramone, who is a member of the committee who considered the direct shipment bill, mentioned during the proceedings that a friend had given him a gift membership to a "wine of the month" club. To his chagrin, Rep. Ramone learned that the two bottles he was receiving each month were in violation of Delaware law.

"This is another reason we need to enact my bill," Rep. Hudson said. "State officials testified they have no way to police our current, outdated law. My bill would not only give consumers more freedom, it would provide accountability to ensure the system isn't abused."

The direct shipping bill had originally been introduced in 2009, but was tabled in committee about a year ago. In the intervening time, Rep. Hudson said she placed an amendment with it that had been written by Delaware Alcoholic Beverage Control Commissioner John Cordrey. The proposed change was designed to address a concern raised when the measure was first considered, cutting by half the amount of wine consumers could order each year.

In the end, all the evidence, arguments and amendments proved insufficient to sway five House Democrats on the committee, who voted as a block to keep the bill bottled-up.

“This bill is consumer-friendly, small business-friendly, and could generate a modest amount of revenue for the state,” Rep. Hudson said. “The experience of more than three dozen states has shown us that direct shipments don’t produce any significant problem. There was no compelling reason why this bill should not have been sent to the floor for consideration.”

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

Resolution Urges Action to Save Lives

The General Assembly is urging action that could mean the difference between life and death for many Delawareans.

State Rep. Mike Ramone (R-Middle Run Valley) and State Sen. Karen Peterson (D-Stanton) sponsored a resolution promoting the importance of cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) in saving the lives of heart attack victims.

Sudden cardiac arrest is one of the leading causes of adult deaths in the U.S. and claims the lives of more than 200,000 Americans annually. The delivery of CPR more than doubles the victim’s chance of survival by helping to maintain vital blood flow to the heart and brain and increasing the amount of time during which an AED may prove effective.

According to some studies, increased access to AEDs, coupled with proper training, could save 50,000 American lives annually. Rep. Ramone says he’s personally witnessed the value of having AEDs readily accessible and has seen several people saved by their availability.

Before the passage of Senate Concurrent Resolution 34, the House of Representatives heard testimony from Stewart Krug, whose son Matthew, a 16-

year-old McKean High School student, died in 2001 after suffering a sudden cardiac arrest while playing basketball.

House Sings Praises of Sanford School Choir

The House of Representatives recently welcomed the Sanford School Choir and presented the group with a House Tribute in recognition of their impressive showing in a competition earlier this spring. In the “Festivals of Music Competition” on April 23rd, the group earned a "superior" rating and won first place in the “mixed choir” category. The choir performed on the House floor, singing several selections including an innovative vocal version of the Pink Panther theme. Clint Williams, chair of Performing Arts at the Sanford School, accepted the Tribute, which was sponsored by State Reps. Bill Oberle, Deborah Hudson and Nick Manolakos.

Action on Bills*

House Bill 448 – (Sponsors: Rep. Schooley, et. al.) – This bill seeks to create a so-called “Blue Alert” program, which would be intended to speed the apprehension of people suspected of killing or seriously injuring law enforcement officers. Under the bill, police agencies would alert selected media outlets when an incident occurs to seek the public’s help in locating the suspect. Similar programs have been adopted in other states.

Status: Pending action in the House Public Safety & Homeland Security Committee.

House Bill 447 – (Sponsors: Reps. King & Schwartzkopf, et. al.) – This bill is intended to help Delaware’s micro-breweries, like Dogfish Head in Milton, by permitting the sale of beer made on the premises for consumption at the site. Such “on premises sales” are already permitted for farm wineries. The bill also changes the definition of micro-brewery to include facilities manufacturing up to two million barrels annually, mirroring federal law. It’s hoped the change could make Delaware a more attractive venue in which to operate larger micro-breweries.

Status: Pending action in the House Economic Development/Banking/Insurance/Commerce Committee.

House Bill 443 – (Sponsors: Rep. George, et. al.) – This omnibus, bipartisan bill is a proposal to fundamentally reform Delaware’s drug-related crimes. Supporters of the 23-page measure say it would replace a flawed system in which many felony drug offenses have little logical relationship to one another. They believe their bill would provide a more structured system, but which still has the flexibility to take into account aggravating conditions. The measure also reportedly contains provisions to make the drug laws a more focused tool for

dealing with criminal activity involving both illegal and prescription drugs. One aspect of the legislation likely to receive attention is a proposal to downgrade the possession of a controlled substance to a misdemeanor violation.

Status: Pending action in the House Judiciary Committee.

House Bill 445 – (Sponsors: Rep. D.E. Williams, et. al.) – This legislation would prohibit registered sex offenders from residing or loitering near a state-licensed child care facility.

Status: Pending action in the House Judiciary Committee.

Senate Bill 122 w/SA1 – (Sponsors: Sen. Hall-Long & Rep. Cathcart) – This measure would require that all Delaware Psychiatric Center employees, who provide direct care to patients, be subject to criminal background checks and drug testing.

Status: Passed the Senate. Pending consideration by the House of Representatives.

House Bill 399 – (Sponsors: Rep. Scott, et. al.) – This bill seeks to create the new Inspire Scholarship Program, to help students who both excel academically and have economic need, attend Delaware State University. Supporters say the intent of this program is to increase the number of Delaware students completing college degree programs. Scholarship recipients would be required to maintain high marks and show continual progress toward their degrees. They would also need to complete at least 10 hours of community service per semester. The amounts available to the grant recipients would be subject to available funds and would be capped at the amounts available to recipients in the state's current SEED scholarship program.

Status: Released from committee. Pending consideration by the House of Representatives.

House Bill 433 – (Sponsors: Rep. George, et. al.) – This bill is intended to enhance Delaware's desirability as a business venue by providing a cost-effective option for resolving disputes. The measure would allow businesses to voluntarily have a Superior Court judge arbitrate or mediate their dispute. However, cases involving consumers would be excluded from this process.

Status: Released from committee. Pending consideration by the House of Representatives.

Senate Bill 209 w/SA 1 & HA 1 – (Sponsors: Sen. Henry, et. al.) – This bill would extend the Historic Preservation Tax Credit Act for 10 years. The credit is scheduled to expire this month (June). Seventy-five historic buildings throughout Delaware have reportedly been rehabilitated and preserved using the program. Since its inception in 2001, \$34 million in tax credits have been awarded, leveraging more than \$166 million in private-sector investment, producing an estimated 2,400 jobs. Under the bill, no more than \$5 million in credits could be awarded annually. A Senate amendment would require the Division of Historical

and Cultural Affairs to issue an annual report on the status of projects approved under program. The amendment also added a provision to ensure that no single project can exhaust the pool of available credits.

Status: Passed the House and Senate. Returning to the Senate for another vote due to the addition of a House amendment making a technical correction.

House Bill 398 – (Sponsors: Rep. Outten, et. al.) – This bill would allow the Department of Natural Resources and Environmental Control (DNREC) to extend the muskrat season. Under the bill, wildlife officials would be able to consider severe winter weather conditions and the status of the muskrat population in deciding whether the season for the aquatic rodents should be lengthened.

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

House Bill 409 – (Sponsors: Rep. Walls, et. al.) – Among the provisions of this bill is one which would prohibit the application of birth control agents to game animals, except as authorized under permit by the Division of Fish and Wildlife. The bill would also establish a 50-yard “safety zone” for hunting deer during the archery season.

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

House Bill 430 – (Sponsors: Rep. Wilson, et. al.) – In an effort to curtail copper thefts that have run rampant in rural Delaware, this bill would require scrap metal dealers to photograph every seller and report every transaction relating to certain metals. Currently only transactions valued at \$250 or more must be reported. The high price of copper has encourage thieves to steal wiring from agricultural irrigation systems and piping from homes. In one case earlier this year, a stolen piece of copper gas line from a home in Laurel led to an explosion that destroyed the home and seriously injured the occupants.

Status: Pending action in the House Public Safety & Homeland Security Committee.

House Bill 434 – (Sponsors: Rep. Carson, et. al.) – This proposed “left lane” law is intended to prohibit slower moving vehicles from driving in the left lane and blocking traffic. This bill specifies that the left lane on multi-lane highways is intended to serve as the passing lane. Motorists violating the law for a first time would face a fine between \$28.75 and \$230. Subsequent violations committed within two years of a previous infraction could earn a fine between \$57.50 and \$575.

Status: Pending action in the House Public Safety & Homeland Security Committee.

Senate Bill 255 – (Sponsors: Sen. Henry and Rep. Schooley) – This bill seeks to eliminate a current prohibition that prevents people convicted of drug felonies from receiving food stamps.

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

[*partial list](#)