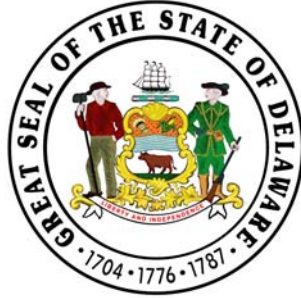


Delaware House of Representatives

Year in Review

145th General Assembly – 2010



***** Updated August 6, 2010 *****

The 153 items in this year's Year in Review are organized by subject.

The Review focuses on House bills and Senate bills that have made their way to the House of Representatives.

Underlined items are bills that have cleared the General Assembly.

Items that are not underlined are bills that were either defeated or failed to win legislative approval prior to the end of the session (6-30-10). The status of each is indicated.

In each category of bills, new laws/pending laws are listed first.

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House Bill 105 (as amended) (dealing with tree care in manufactured housing communities)

House Bill 320 (as amended) (to req. new home sellers to disclose fee info. before the sale)

House Bill 321 w/HA 2 (community residents may not be charged fees for unavailable amenities)

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House Bill 200 (to req. disclosure to potential man. housing tenants and counseling by DMHOA)

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House Bill 313 (to revise "alternate dispute resolution methods" regarding manufactured homes)

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House Bill 398 (to allow the DNREC to extend the muskrat season due to severe winter weather)
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House Bill 159 (as amended) (to req. annual dementia-specific training for healthcare workers)
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House Concurrent Resolution 27 (supports the "Honor and Remember Flag")
House Bill 437 (as amended) (to give military per. hunting/trapping/fishing licenses at res. price)
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House Bill 483 (exempting active-duty military from late fees for renewal of state-issued licenses)

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HS 1 for Bill 348 w/ HA 3 (to increase penalties for crimes against vulnerable or infirmed adults)

House Bill 302 (to encourage the reporting of financial exploitation of elderly & infirmed adults)

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House Bill 10 (to give same-sex partners of state workers/pensioners the benefits of spouses)

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House Bill 335 (allowing for direct deposit of income tax returns into College Investment Plan)

Senate Bill 209 w/SA 1 & HA 1 (to extend the Historic Preservation Tax Credit Act for 10 years)

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House Bill 334 (removes the defunct DE Children's Trust Fund from the income tax check-off)

House Bill 8 (to exempt the salaries of military personnel from the state income tax)

House Bill 110 (to temporarily exempt public school construction from DE's prevailing wage req.)

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House Bill 299 (includes paramedics, fire marshals and fire police under "Michelle Smith's Law")

House Bill 388 (to increase the penalty for scofflaws who are not registering their vehicles in DE)

HS 1 for House Bill 229 (to bar drivers from using hand-held cell phones or other devices)

House Bill 493 (exempts business & government two-way radios from HS 1 f/HB 229)

House Bill 494 w/HA1 (exempts "FCC-licensed amateur radio operators" from HS 1 f/HB 229)

House Bill 429 (to place a three year moratorium on the creation of new specialty license plates)

House Bill 383 (creates a special license plate for veterans for Operation Enduring Freedom.)

House Bill 28 (to allow physician assts. and nurse practitioners to report suspect drivers to DMV)

House Bill 197 (as amended) (to permit pilot program for speed limit cameras)

House Bill 58 (to revoke driver's licenses of motorists caught speeding in excess of 95 mph)

House Bill 281 (to req. DUI felons to submit to electronic alcohol monitoring)

House Bill 434 (to prohibit slower moving vehicles from driving in the left lane)

Miscellaneous

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House Bill 330 w/SA1 (protects those making donations of equip. to vol. fire departments.)

House Bill 344 w/ HA 1 (Clarifies who can legally marry couples in Delaware)

Senate Bill 224 (to abolish the Delaware State Police Ready Reserve)

House Bill 448 w/ HA 1 (to create "Blue Alert" program to catch those who assault/kill police)

Senate Bill 255 w/SA1 (to eliminate current ban on drug felons getting state food stamps)

House Bill 155 (to waive the state's sovereign and limited immunity in child sexual abuse cases)

Agriculture & Animals

[House Bill 203](#) – (Sponsors: Rep. Hocker, et. al.) – This act designates strawberries as the official state fruit of Delaware.

Status: Signed into law.

[Senate Bill 280 w/SA2](#) – (Sponsors: Sen. Blevins, et. al.) – This bill establishes health, adoption, and record keeping requirements for animal shelters operating in Delaware and updates the euthanasia provisions applying to shelters.

Status: Signed into law.

[House Bill 354](#) – (Sponsors: Rep. Kowalko, et. al.) – This bill, done in conjunction with the input of a group of fourth grade students at Joseph M. McVey Elementary School, designates the grey fox as Delaware’s official state wildlife animal. Understanding the bill’s underlying intent as a living civics lesson, Rep. Tom Kovach (R-Brandywine Hundred South) offered an amendment that would have made the law effective only for 2010. Rep. Kovach argued the change would give different groups of students an annual opportunity to sponsor legislation designating a new animal as the state’s “official wildlife animal” for that year. Without commenting on the merits of the recommendation, Rep. Kowalko objected and the amendment was defeated.

Status: Signed into law.

[House Bill 419 \(as amended\)](#) – (Sponsors: Rep. Mulrooney, et. al.) – This bill transfers from the Department of Natural Resources and Environmental Control to the county governments the authority needed to enforce laws, ordinances, and regulations relating to dogs and dog control.

Status: Passed the General Assembly. Expected to be signed into law.

[House Bill 78](#) – (Sponsors: Rep. B. Short, et. al.) – HB 78 would bar the sale of puppies younger than eight weeks of age. The supporters of the bill claim puppies younger than this benchmark are not properly socialized and could pose a greater risk of developing aggressive behavior and biting.

Status: Stricken.

[House Bill 95](#) – (Sponsors: Rep. M. Marshall, et. al.) – The intent of the bill is to crack down on “puppy mills” that may be operating in the First State. HB 95 contains recommendations from the Humane Society of the United States regarding restrictions on the large-scale, for-profit dog breeding operations to ensure that the dogs are bred in sanitary and humane conditions. The bill seeks to prohibit the possession of more than 25 breeding dogs and imposes minimum requirements for veterinary care.

Status: Died in the House Agriculture Committee.

House Bill 278 – (Sponsors: Rep. B. Short, et. al.) – This bill would make it illegal to sell or trade a cat or dog in an open-air market. The measure would not apply to nonprofit pounds and similar organizations, nor would it be applicable to rodeos, county fairs and similar events. Anyone found in violation of this proposed statute would be subject to a fine of up to \$150 for a first offense and a maximum fine of \$500 for subsequent offenses.

Status: Died in the House Judiciary Committee.

Bradley Bills

The first nine of these bills were introduced as a package of legislation motivated by the victimization of more than 100 children by accused pedophile and former pediatrician Earl Bradley. The bills resulted from two separate probes into why the alleged sexual assaults did not come to the attention of authorities sooner and are intended to correct failures in state laws and procedures. All General Assembly members are on the bills as sponsors or co-sponsors and all of the nine have been signed into law. (For more information visit our website – www.delawarestatehouse.com – and see the photo brief in the Week in Review for the week ending July 2, 2010.)

- [Senate Bill 296](#) (reorganizes & renames the Board of Medical Practice)
- [Senate Bill 297](#) (allowing the Dept. of Health & Social Services to discipline licensed healthcare facilities that fail to report child abuse)
- [Senate Bill 298](#) (allowing health care institutions to be fined for failing to report physician misconduct.)
- [Senate Bill 229](#) (Clarifies term "position of trust" for purposes of various sexual assault crimes)
- [House Bill 456](#) (requiring that another adult to be present when a doctor is treating a person under the age of 15)
- [House Bill 457](#) (requiring that professionals receive training in recognizing & reporting child abuse.)
- [House Bill 458](#) (requiring physicians practicing in Delaware undergo criminal background checks, similar to those required for teachers and other professionals working with juveniles.)
- [House Bill 459](#) (strengthens the Board of Medical Practice & improves reporting of suspect conduct by healthcare professionals.)

- [House Bill 485](#) (facilitates communication between the Division of Professional Regulation and the law enforcement community.)

The last Bradley bill was not part of the package and, in fact, was filed despite an informal agreement to coordinate the introduction of Bradley-related legislation to avoid both partisan wrangling and a plethora of competing, similar bills. The bill below had limited sponsorship, mainly dominated by a handful House and Senate Democrats.

[House Bill 326](#) – (Sponsors: Rep. Schwartzkopf, et. al.) – This bill would allow the victims of sexual abuse (or their parents/ guardians) to bring lawsuits against doctors, nurses or other healthcare providers thought to have perpetrated the abuse, regardless of when the alleged acts took place. The measure would also create a two-year “look-back” window, allowing victims in some cases to file lawsuits against their abusers, even though the statute of limitations may have already tolled. An amendment by State Rep. Greg Lavelle, removing a legal protection that prevents the State of Delaware from being sued in most instances, was defeated. Rep. Lavelle argued that state institutions should be on a level playing field with the rest of society and should not be shielded from civil action brought by the victims of sexual abuse. The bill’s prime sponsor, House Majority Leader Pete Schwartzkopf (D-Rehoboth Beach), voted against the amendment, as did 21 of his Democratic colleagues. State Rep. Helene Keeley (D-Wilmington South) was the only House Democrat to join with 16 Republicans to support the change.

Status: Signed into law.

Budgets (Operating, Capital, Grants-in-Aid)

[Senate Bill 310 – Operating Budget](#) – (Sponsors: Sen. Cook & Rep. D.P. Williams, et. al.) – The \$3.305 billion spending plan was nearly \$214 million higher than the spending plan it replaced – an increase of 6.46-percent. It was approved by the Senate, 17 to 4, and in the State House on a vote of 27-to-13. All of the dissenting votes in the House were cast by Republicans.

In prepared remarks released earlier, State Rep. Dennis P. Williams (D-Wilmington North), the co-chair of the budget-writing Joint Finance Committee (JFC), called the higher spending “inevitable,” citing a \$35 million expenditure to restore a 2.5 percent state employee pay cut as one of the items driving costs up. State employees had absorbed the cut last year as part of a plan to bridge a large state revenue shortfall.

Rep. Williams also cited the loss of \$105 million in federal stimulus funds that the state had to replace with money from Delaware taxpayers. Some state lawmakers are displeased the new state budget continues to rely on federal stimulus – funding that is not expected to be available next year. The new

budget uses \$123.5 million of the temporary funds to balance the books, creating what critics say is a “built-in deficit” that state officials will have to deal with next year when the money runs out.

State House Majority Leader Pete Schwartzkopf (D-Rehoboth Beach) called the budget a bipartisan product, but Democrats outnumber Republicans on the JFC, 8 to 4, and also enjoy significant majorities in both the House and Senate chambers. Unlike the capital budget and Grants-in-Aid Bill, which require super-majorities for approval, the operating budget needs only a simple majority for passage.

(For more information visit our website – www.delawarestatehouse.com – and see the photo brief in the Week in Review for the week ending July 2, 2010.)

Status: Signed into law.

House Bill 500 – Capital Budget – (Sponsors: Rep. Keeley & Sen. Venables, et. al.) – The state’s new capital budget or “Bond Bill,” so dubbed because it is largely financed with borrowed money raised through the sale of state bonds. The \$389.7 million measure is almost 37 percent higher than the preceding plan and includes nearly \$141 million for road and transportation projects. Major line items in the new Bond Bill include \$19.2 million for ongoing construction of the new Kent Count Courthouse complex; \$30.4 million for the Delaware Strategic Fund (used lure new businesses to the state); \$10.1 million for improvements at the Port of Wilmington; and \$102.3 million for school construction statewide.

(For more information visit our website – www.delawarestatehouse.com – and see the photo brief in the Week in Review for the week ending July 2, 2010.)

Status: Signed into law.

Senate Bill 315 – Grants-in-Aid – (Sponsors: Sen. Cook & Rep. D.P. Williams, et. al.) – The last of the “money bills,” the new Grants-in-Aid bill contains \$35.2 million to help dozens of non-profit organizations serving Delawareans. Volunteer fire companies will receive \$4.2 million under the bill; paramedic operations will get \$8.85 million; and 44 senior centers around the state have been awarded grants totaling nearly \$6.6 million.

(For more information visit our website – www.delawarestatehouse.com – and see the photo brief in the Week in Review for the week ending July 2, 2010.)

Status: Signed into law.

Business/Labor

House Bill 237 w/ HA 1 – (Sponsors: Rep. Viola, et. al.) – This bill would require that all newly constructed businesses and other public accommodations be equipped with automatic doors to make the main entrances of such buildings accessible to persons with disabilities. An amendment added to the bill gives builders a way to avoid the automatic door requirement if they install a calling

device “that allows a person with a disability to request assistance” in gaining entrance.

Status: Signed into law.

[House Bill 380](#) – (Sponsors: Rep. Bennett, et. al.) – Establishes a “business finder’s fee” or “BFF” to encourage business-people to facilitate partnerships that bring new companies to the state. Under the bill, a \$500 tax credit will be awarded to each “sponsor firm” and each “new business firm” for every new Delaware job the new business creates. The credit will be available for three years. The program will require that the new business be brought to Delaware as a result of the efforts of the sponsor, and would specifically exclude businesses – such as real estate agents, banks and commercial landlords – that already have an incentive to bring out-of-state business to Delaware.

Status: Signed into law.

[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 will 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: Passed the General Assembly. Expected to be signed into law.

[House Bill 447 w/ HA 2](#) – (Sponsors: Reps. King & Schwartzkopf, et. al.) – This bill is intended to help Delaware’s microbreweries, like Dogfish Head in Milton, by permitting the sale of beer made on the premises for consumption at the site. Such “on premises sales” had already been permitted for farm wineries. The bill also changes the definition of microbrewery to include facilities manufacturing up to two million barrels annually, mirroring federal law, and loosens restrictions on the sale of locally-made beer in brew pubs. It’s hoped the changes will make Delaware a more attractive venue in which to operate microbreweries.

Status: Signed into law.

[HS 1 f/ House Bill 390](#) – (Sponsors: Rep. B. Short, et. al.) – Also known as the “Regulatory Flexibility Act,” this bill is intended to help relieve the regulatory burden on the small business community. Based on model legislation and patterned after the federal Regulatory Flexibility Act, this legislation would require state agencies to publish an economic impact study with proposed regulations. Officials are to use the information to consider the costs of such regulations on small businesses and the feasibility of exemptions or less stringent compliance or reporting requirements. The measure would not have taken effect until July 1, 2011 to provide adequate time to develop, publish and seek comment on the guidelines. Supporters of the bill say small businesses are the backbone of Delaware’s economy and note that government data shows that 80-percent of companies in the First State have fewer than 20 employees.

Status: Passed by the House. Died in the Senate Executive Committee.

House Joint Resolution 8 – (Sponsors: State Reps. Carson, et. al.) – This HJR would have created a three-year pilot program to test the feasibility of allowing vehicle inspections to be performed at new car and truck dealerships in Delaware. Under the proposal, car owners would have continued to have had the option to take their vehicles to the state inspection lanes. The Delaware Automobile and Truck Dealers’ Association (new franchise) had advocated for the program, saying it would provide a convenience that many of their customers had requested. Controversy over the measure grew among those who feared the legislation was a prelude to establishing a system similar the one in Pennsylvania, where private garages are licensed to conduct mechanical and emissions testing.

*(For more information, visit our website – www.delawarestatehouse.com – and see the *Week in Review* story for the week ending March 19, 2010)*

Status: Passed by the House, before being recalled and stricken.

House Bill 490– (Sponsors: Rep. Kovach, et. al.) – This bill sought to create the Delaware Film Incentive Program to provide a loan guarantee to qualifying film projects. The bill also would have created a seven-member Film Board to review loan applications and advise state officials on creating economic development opportunities for film-making in Delaware. This bill replaced a similar measure (House Bill 250) introduced in 2009. Unlike film incentives in other states, the proposed program would not have required Delaware to spend money. Rather, the legislation would allow the state to use some of its idle property as collateral for bank loans to film projects that have met rigorous criteria, including pre-sold distribution contracts. Supporters said the bill held the promise of creating hundreds of sustainable, “recession-proof” jobs.

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

House Bill 317 (as amended) – (Sponsors: Rep. Byron Short, et. al.) – This well-intended, but poorly considered 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.

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. A Senate amendment expanded the

hours during which door-to-door sales could be conducted under the bill from 9 a.m. to 8 p.m.

A “two-thirds” bill, the measure required at least 28 votes in the House for passage and won exactly this number the first time through the chamber. After a minor amendment was added in the Senate, the bill failed to win passage in a second attempt through the House. This was partly due to the absence of some representatives who previously supported the measure, as well as a few others who reconsidered their votes on the compromised legislation.

Critics of the bill said it provided no guarantee of the credibility of the individuals and organizations conducting door-to-door sales, did little to limit solicitation, and could potentially prove harmful to consumers by creating a false impression that salespeople wearing state-issued ID cards had been validated by the government as trustworthy.

Status: Initially clear the House and Senate, but failed to clear the House again after being amended in the Senate.

Consumer Rights/Consumer Protection

House Bill 180 – (Sponsors: Rep. Hudson, et. al.) – This bill would permit wine producers to ship their product directly to Delaware consumers. Delaware is currently one of only 15 states in the country that does not allow this. New Jersey, Pennsylvania and Maryland also bar the practice. HB 180 would mandate that both shippers and carriers obtain permits. It would also limit the amount of wine that could be shipped and require the payment of the state’s alcoholic beverage tax. Delivery of the wine could only be made to someone of legal age who signs for the shipment.

Status: Died in the House Economic, Banking & Insurance Committee.

Crime, Corrections & the Courts

House Bill 304 – (Sponsors: Rep. Bennett, et. al.) – This bill increases the penalties on those who commit sexual assault on a juvenile, between the ages of 16 and 18, and “stands in a position of trust, authority or supervision” over the victim.

Status: Signed into law.

House Bill 322 – (Sponsors: Rep. Atkins, et. al.) – This bill closes a loop-hole in Delaware’s “felony resisting arrest” law that was identified in a recent Delaware Supreme Court decision. In *Watson v. State*, the High Court overturned a conviction of a man who injured two probation and parole officers who were trying to arrest him on a violation. The court noted that the current felony statute

applies only to arrests made by police officers. HB 322 expands the scope of this crime to include assaults against all peace officers.

Status: Signed into law.

House Bill 336 – (Sponsors: Rep. Barbieri, et. al.) – This bill, which had the support of a broad bipartisan coalition, gives 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 also gives judges the discretion to order “no contact” for as long as was deemed necessary in cases where aggravating circumstances existed. Although PFAs may be granted for up to one year, before this law was enacted, victims had to petition the court for a six-month extension. After the extension expires, the victim had to apply for a new PFA and show that they have suffered additional harm. Drafted by the Domestic Violence Coordinating Council, HB 336 was 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: Signed into law.

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. Previously, only transactions valued at \$250 or more had to 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.

(For more information visit our website – www.delawarestatehouse.com – and see the photo brief in the Week in Review for the week ending June 11, 2010.)

Status: Signed into law.

House Bill 276 (as amended) – (Sponsors: Rep. Hudson, et. al.) – This bill jacks up penalties for anyone found guilty of damaging, littering, or applying graffiti along a “scenic and historical highway” or a “scenic byway.” Such individuals would face a mandatory \$500 fine in addition to the penalties ordinarily carried by such crimes. Supporters say the officially designated routes have unique scenic, historic and cultural qualities that make them worthy of the additional protection.

Status: Signed into law.

Senate Bill 269 w/HA1 – (Sponsors: Sen. Sokola & Rep. Barbieri) – This bill will enhance the penalty for “careless or inattentive driving” in cases where such actions play a role in the serious physical injury of a “vulnerable user” in a public right-of-way. Under the bill, the term “vulnerable user” applies to a broad range of people ranging from pedestrians and highway workers to bicyclists and farm

machine operators. People found guilty of the infraction would be required to complete an approved traffic safety course and perform up to 100 hours of community service, including activities related to driver improvement and providing public education on traffic safety. Offenders would also face a fine of up to \$550 and the suspension of driving privileges if they failed to complete the required training and service work.

Status: Passed the General Assembly. Expected to be signed into law.

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

Status: Signed into law.

House Bill 338 – (Sponsors: Rep. J. Johnson, et. al.) – This bill gives 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 new law applies only to convicts that do not “pose a substantial risk to the community.” Minimum and mandatory sentences for virtually all violent crimes are not be eligible for modification under this bill since the sentences required for such crimes exceed one year.

Status: Signed into law.

House Bill 462 (as amended) – (Sponsors: Rep. Oberle, et. al.) – This bill will require that those found guilty of possessing, manufacturing, selling, distributing, or circulating fake motor vehicle insurance cards receive a mandatory fine.

Status: Passed the General Assembly. Vetoed by the governor.

House Substituted 1 for House Bill 428 – (Sponsors: Rep. Barbieri, et. al.) – This bill sought to crack down on adults who provided alcoholic beverages to minors. The measure proposed increasing the minimum fine, from \$100 to \$250, for purchasing or providing alcohol to those under the age of 21. It would have also made the performance of community service mandatory for such an offense. Perhaps most significantly, the bill would have changed Delaware law to allow a person injured by an intoxicated minor to file civil action against the adults that had supplied the minor with the alcohol or allowed him/her to consume it on their premises.

Status: Died in the House Judiciary Committee.

House Bill 62 w/HA 3 – (Sponsors: Rep. Oberle, et. al.) – This bill sought to create the crime of “brandishing a deadly weapon against a law enforcement officer, firefighter, paramedic or emergency medical technician.” The crime would have been a class B felony.

Status: Passed the House. Died on the Senate Ready List, despite being released from committee in 2009.

House Bill 77 – (Sponsors: Rep. B. Short, et. al.) – This bill sought to give judges more power in determining the fate of pets caught in the middle of troubled domestic relationships. The sponsors of the bill maintained that family pets often hinder the victims of domestic violence from leaving abusive relationships. They noted that sometimes the pets themselves can be victimized by an abusive individual who is willing to injure or kill the animals as retaliation or as a means of terrorizing another party. Among other things, this bill would have empowered judges to decide who is awarded possession of a family pet via a protective order. A similar bill (HB 369 w/HA 1) was passed by the House in the 144th General Assembly, but was not taken up by the Senate prior to the end of the session.

Status: Passed the House. Died in the Senate Judiciary Committee.

House Substituted 1 for House Bill 182 – (Sponsors: Rep. George, et. al.) – This bill would have given Family Court greater discretion in determining if certain juvenile offenders should be designated as sex offenders.

Status: Died in the House Judiciary Committee.

House Bill 306 – (Sponsors: Reps. Lavelle & Schwartzkopf, et. al.) – This bill sought to remove a disincentive from reporting suspected cases of child sexual abuse. HB 306 would have shielded those making such reports from the possibility of being sued. The immunity from civil liability would have only applied to people who had a “good faith belief that sexual abuse (had) occurred.”

Status: Died in the House Judiciary Committee.

House Bill 346 – (Sponsors: Rep. George & Sen. Peterson) – This bill would have made it a felony to knowingly possess visual depictions of the torture or killing of an animal. To have been found guilty of the crime, the depicted act would have needed to have been illegal under state or federal law (e.g. cock fighting, dog fighting). The bill’s supporters say the legislation would have banned so-called “crush videos,” where women wearing high heels step on animals to torture or kill them. Mirroring the language in Delaware’s obscenity statute, the bill stipulates illegal depictions must “be lacking in serious artistic, scientific, journalistic or political value” when contemporary community standards are applied.

Status: Died in the House Judiciary Committee.

House Bill 443 (as amended) – (Sponsors: Rep. George, et. al.) – More than a year in the making, this proposal to significantly reform Delaware’s drug crimes statutes was the result of deliberations by attorneys; state and local police; the State Attorney General’s office; the Office of the Public Defender; and the criminal justice reform group, Stand Up for What’s Right and Just (SURJ). Prime sponsor of the bill, State Rep. Melanie George (D-Bear/Newark), said the intent

was to make the state's drug laws a more focused tool for dealing with serious drug-related criminal activity. One of the changes proposed in the bill would have downgraded simple drug possession charges to misdemeanor status. Supporters say the change was intended to prevent people who have committed relatively minor infractions from losing their jobs and potentially interrupting child support and other obligations they're paying. *(For a more information, visit our website – www.delawarestatehouse.com – and see Week in Review for the week ending June 18th).*

Status: Passed the House. Died in the Senate Executive 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: Died in the House Judiciary Committee.

Delaware Psychiatric Center (DPC) Bills

The following bills are intended to improve conditions at the Delaware Psychiatric Center (DPC), which first came to light when a series of published reports in the summer and fall of 2007 alleged patient mistreatment and staff intimidation at the facility. The articles sparked a five month investigation by the Delaware Psychiatric Center Investigative Committee, a bipartisan group of 11 state lawmakers chaired by State House Minority Leader Richard Cathcart.

House Bill 41 – (Sponsors: Rep. Cathcart, et. al.) – This bill would define minimum patient rights for residential and non-residential mental health patients.

Status: Signed into law.

House Bill 37 w/HA 2 – (Sponsors: Rep. Cathcart, et. al.) – This measure seeks to add various protections to the Mental Health Patients' Bill of Rights Act, including safeguards on how and when physical restraints could be used on patients. The measure also seeks to establish a process allowing patients to file grievances regarding their treatment.

Status: Signed into law.

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: Signed into law.

House Bill 163 – (Sponsors: Rep. Cathcart, et. al.) – This bill would have created a committee to review the deaths of individuals under the care of the Department of Health and Social Services or its providers. The committee would have assessed causation and promoted improvements in policies and practices to prevent needless deaths.

Status: Passed by the House in 2009. Died in the Senate Executive Committee.

House Bill 42 – (Sponsors: Rep. Cathcart, et. al.) – This bill would have required that the DPC be run as an independent entity that would have been permanently removed from the purview of Delaware Health and Social Services (DHSS) and would have been directed under the authority of a governing board.

Status: Died in the House Health & Human Development Committee.

Education

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: Signed into law.

House Bill 347 – (Sponsors: Rep. Barbieri et. al.) – This bill changes state law requiring school officials to report to police when students commit certain offenses. Under current law school officials must call police when a student, 9-years-old or older, commits four specific misdemeanor offenses: Assault in the 3rd Degree; Unlawful Sexual Contact in the 3rd Degree; Offensive Touching; and Terroristic Threatening. The bill is based on recommendations of a legislative task force on school discipline and will increase the age of the students requiring mandatory reporting to 12-years-old. Critics argued that supporters couldn’t produce any information on the number of criminal incidents that could potentially go unreported to police if the law were changed. The bill squeaked through the House with just 22 “yes” votes – just two more than is needed to clear the 41-member chamber.

(For more information visit our website – www.delawarestatehouse.com – and see Week in Review for the week ending 4/30/10.)

Status: Passed the General Assembly. Expected to be signed into law.

House Bill 283 – (Rep. Schooley, et. al.) – This bill contains the “Deaf or Hard of Hearing Child’s Bill of Rights.” The legislation mandates that public schools accommodate hearing-impaired children by broadening the ways in which these students will be permitted to communicate and through the use of assistive technology.

Status: Passed the General Assembly. Expected to be signed into law.

House Bill 60 – (Rep. Kowalko, et. al.) – This bill would prohibit public schools, including charter schools, from making available or serving food with more than 0.5 gram of artificial trans fatty acids to students.

Status: Passed the House. Died on the Senate Ready List.

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 have required school officials to ask parents sign an education compact at the beginning of each academic year. The agreement would have reflected an updated Parents’ Declaration of Responsibilities that would have been 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 have needed to take to enhance parental involvement.

Status: Stricken.

House Joint Resolution 10 – (Sponsors: Rep. Oberle, et. al.) – Replacing House Bill 363, this resolution sought to create a committee to develop a model curriculum unit to instruct students in the history of Organized Labor.

Status: Passed the House. Died on the Senate Ready List.

House Bill 399 (as amended) – (Sponsors: Rep. Scott, et. al.) – This bipartisan bill sought 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 was to increase the number of Delaware students completing college degree programs. Scholarship recipients would have been required to maintain high marks and have shown continual progress toward their degrees. They would have also needed to complete at least 10 hours of community service per semester. The amounts available to the grant recipients would have been subject to available funds and would have been capped at the amounts available to recipients in the state’s current SEED scholarship program.

Status: Passed the House. Died in the Senate Education Committee.

Elections & Governance

House Bill 185 w/ HA 1 – (Sponsors: Rep. B. Short, et. al.) – This bill establishes new state regulations on the use of automated telephone calls, which are often used for political purposes. Among other things, the bill mandates a disclosure statement at the start of the message indicating the name of the candidate and who is paying for the call. The bill initially sought to limit the number of so-called “robo-calls” to no more than three-per-day to any single telephone by one candidate, but the attached amendment removed that provision.

Status: signed into law.

House Bill 172 (as amended) – (Sponsors: Reps. Ramone & Keeley, et. al.) – This bill requires state office-holders, as well as candidates for elective state office, to disclose every nonprofit organization, civic association, trade group, etc. on which they are a council member or board member. The bill only applies to

groups incorporated in the First State, which are conducting activities in Delaware.

Status: Signed into law.

[House Bill 381](#) – (Sponsors: Reps. Longhurst, et. al.) – This bill seeks to increase voter registration via the so-called “motor voter” law. Under current law, residents at least 18-years-old, as well as those who will turn 18 before the next general election, can register to vote through the Division of Motor Vehicles. HB 381 will also allow 16 and 17-year-olds to register when they first apply for their driver’s licenses. However, these minors will not be allowed to vote until they turn 18.

Status: Passed the General Assembly. Expected to be signed into law by the governor.

[House Bill 425](#) – (Sponsor: Rep. Jaques, et. al.) – This bill temporarily reverses a change to the state’s election law, made earlier this year, that doubled the number of registered voters a political party needs to be listed on the general election ballot. Under this bill, the previous, lower threshold is reinstated and will remain in effect until after this fall’s general election. Rep. Jaques said the legislation is an attempt to diffuse a lawsuit by the Constitution Party over the issue. State Commissioner of Elections Elaine Manlove told the House Administration Committee that there would be no reason to continue the lawsuit if the bill were enacted. State House Minority Leader Dick Cathcart (R-Middletown) told his colleagues on the committee that he predicts the lawsuit will move forward, even if the higher standard is delayed.

Status: Signed into law.

[House Bill 487](#) – (Sponsors: Rep. Atkins, et. al.) – This law allows retired county employees to receive their pensions, while also collecting a salary from an elected or appointed county office. Prior to the enactment of this law, Sussex County workers were prohibited from such so-called “double-dipping.” The bill has been widely criticized as politically motivated and was reportedly enacted to specifically allow a retiring Sussex County employee to run against an incumbent county councilman in the fall election. The bill is controversial and was approved by the House of Representatives with the minimum 21 votes and by the Senate with the minimum 11 votes needed. It was fast-tracked, taking just eight days from its introduction on June 22 to being sent to the governor on June 30.

Status: Signed into law.

[House Bill 198](#) – (Sponsors: Rep. D.E. Williams, et. al.) – This bill is part of a larger national effort to fundamentally change the way in which the U.S. elects its president and vice-president. If passed and signed into law, HB 198 would have entered Delaware into an interstate compact where the member states agree to award their electoral votes based on the national popular vote. Currently, the electoral votes of each state are awarded to the presidential ticket that wins the popular vote in that state. The compact would go into effect when states

cumulatively possessing a majority of the electoral votes (270) joined. The act contains a provision allowing compact states to withdraw from the agreement. The bill had barely enough support to clear the Delaware House of Representatives, with just 23 of the chamber's 41 members approving the measure.

Status: Passed the House. Died on the Senate Ready List.

House Bill 9 – (Sponsors: Rep. Hudson, et. al.) – This bill would have required all candidates appearing on the general election ballot to disclose whether they were delinquent on any child support payments and if they owed any state/federal income taxes and/or local property taxes. The Commissioner of Elections would have posted the disclosures on the agency's website, as well as the names of any candidates failing to file. Candidates violating the legislation could have been fined \$50 per day, up to a total of \$3,000.

Status: Despite being released from committee in 4/29/09, died on the House Ready List.

House Bill 17 w/HA 1 – (Sponsors: Rep. Plant, et. al.) – This is the first leg of a Constitutional Amendment which sought to restore the voting rights of convicted felons who had fully discharged their sentences. Currently, such people must wait five years to be able to vote again. Constitutional amendments must be passed by two consecutive General Assemblies, but do not need to be signed by the governor.

Status: Passed the House 3/31/09. Died in the Senate Executive Committee.

House Bill 74 – (Rep. Hudson & Sen. Simpson, et. al.) – This bill would have prohibited political candidates from seeking more than one office in any election. Supporters of the measure say the bill would have eliminated the possibility that a candidate running for multiple offices would create a vacancy that would need to be filled by an appointment or special election.

Status: Died in the House Administration Committee.

House Bill 117 w/HA 4 – (Sponsors: Rep. Longhurst, et. al.) – Supporters believed this bill would save money and increase voter turnout by moving school board races to the general election. Currently, school board elections are held on the second Tuesday of May and can occur in any year. The bill would make numerous changes to facilitate the proposal, including aligning the terms of school board members so their terms expire during a general election year; requiring that people voting in school board elections be registered voters; and applying campaign finance laws to school board races. Similar bills have been introduced before. House Bill 272 was filed in the 143rd General Assembly, but would have impacted only the Brandywine, Christina, Colonial, and the Red Clay school districts. Opponents note school board elections are non-partisan and that including them in the partisan general election will potentially create confusion. They also say that school board races would be overshadowed and de-

emphasized on a long general election ballot. The bill was amended to require school board candidates to file some of the same disclosures filed by other candidates for elected offices.

Status: Passed the House in late 2009. Died pending action in the Senate Finance Committee.

Energy/Environment

Senate Bill 234 – (Sponsors: Sen. McBride et. al.) – Repeatedly described by supporters as a “fragile compromise,” this bill to create a universal curbside recycling program in Delaware was fast-tracked through the General Assembly, taking just three weeks from its introduction to final passage. The bill was enacted despite concerns over its legality, efficiency, and the spending of an estimated \$16 million in state money. The legislation repeals (beginning Dec. 2010) the controversial “Bottle Bill” law, which places a five-cent deposit on selected beverage containers sold in Delaware. Set to expire in late 2014, the fee will finance the creation of a new Delaware Recycling Fund. The Department of Natural Resources and Environmental Control (DNREC) will issue grants and low-interest loans from the fund to help private waste-haulers and municipalities finance the program’s start-up costs. According to an analysis by the Controller General’s office, the program will cost a minimum of \$16 million to initiate.

The new law will require every waste-hauler in the state to offer curbside recycling to their customers in three stages: first to single-family homes (by Sept. 15, 2011); then apartments and condominiums (Jan. 1, 2013); and finally commercial businesses (Jan. 1, 2014). The Markell administration says the goal is to divert 50-percent of municipal solid waste from landfills by the start of 2015. That goal rises to 60-percent in 2020.

Before the bill’s passage through the House, Republican representatives offered seven amendments to change the measure, all of which were defeated, five along party lines. Some lawmakers believe the bill was passed through the House illegally because it did not have the super-majority it seeming needed for approval.

*(For more information, go to our website – www.delawarestatehouse.com – and see the *Week in Review* story for the week ending May 14, 2010.)*

Status: Signed into law.

House Bill 270 – (Sponsors Rep. Walls, et. al.) – Under this legislation, the Department of Natural Resources and Environmental Control (DNREC) would have the authority to restrict fishing on artificial reef sites in Delaware’s bay and ocean waters. Supporters of the bill say the regulatory authority is needed to prevent certain types of commercial fishing from interfering with sport fishermen. Delaware’s artificial reef sites were built in an attempt to improve marine habitat for fish and other aquatic organisms. Funds from the Federal Aid in Sport Fish

Restoration Act were used to construct them. The money is specifically intended to benefit sport fisheries and sport fishing. Since 1995, the state has built 14 man-made reefs, using materials ranging from old tires and decommissioned vessels to New York City subway cars.

Status: Signed into law.

Senate Bill 316 w/ SA 2 – (Sponsors: Sen. Peterson & Rep. D.E. Williams, et. al.) – This bill seeks to encourage the use of “ground mounted” solar energy systems by Delaware homeowners. The bill bars developers, homeowner associations or local governments from taking steps to prohibit the systems. However, restrictions put into place before this legislation is enacted would still be binding. Supporters say the bill would continue to allow local entities to set conditions on the installation of such systems, such as requirements to conceal their placement. The measure is similar to laws enacted last year that barred local restrictions on the installation of residential wind turbines and roof-mounted solar panels.

Status: Passed the General Assembly. Expected to be signed into law.

House Concurrent Resolution 51 – (Sponsors: Rep. Kovach, et. al.) – This HCR was intended to spur Delaware’s involvement in a fledgling project to create the Tidal Delaware River National Recreation Area. Running from Delaware City north to Trenton, the 72-mile section would promote important cultural, historical, and recreational points of interest. There are 17 national recreation areas around the country, ranging from the Golden Gate in San Francisco to Gateway in North Jersey and New York City. Supporters note a new national recreational area would change public awareness of the river while creating new recreational and tourism opportunities locally.

(For more information, go to our website – www.delawarestatehouse.com – and see the Week in Review story for the week ending June 25, 2010.)

Status: Passed the House. Died in the Senate Executive Committee.

House Bill 355 – (Sponsors: Rep. Hocker & Sen. Bunting) – This bill would have mandated that the Department of Natural Resources and Environmental Control (DNREC) expedite the authorization process for replacing or rebuilding docks, piers or bulkheads when they are being erected on the previously existing structural footprint. If the department had wrongfully denied such an application, the bill would have waived the state’s immunity to liability, allowing the applicant to recover reasonable attorney fees and expenses via a civil action.

Status: stricken.

Gambling

House Bill 310 (as amended) – (Sponsors: Rep. Schwartzkopf, et. al.) – This bill authorized table games at Delaware’s licensed gambling venues. The bill did not go through the process unscathed, with the House attaching seven

amendments. It cleared the House 27 to 5 and the Senate 15 to 4. Among the successful amendments was one offered by State Rep. Tom Kovach (R-Brandywine Hundred South) which will bar state legislators from taking any of the estimated 40 state positions the bill will create to regulate and enforce table games laws. State Rep. William Oberle (R-Beecher's Lot) sponsored a successful amendment to set aside at least \$250,000 of the state's proceeds to treat and educate compulsive gamblers and their families. HB 310 calls for the state to get 29.4% of table games' proceeds, with 66.1% going to the table game operators and the remaining 4.5% earmarked to bolster horseracing purses. State Rep. Greg Lavelle (R-Sharples) had suggested modifying the bill to force lawmakers to take another look at the revenue split in three years, after legislators had hard data with which to reconsider the issue. But Lavelle's proposal garnered little support and was defeated.

Status: Signed into law.

Senate Bill 188 – (Sponsors: Sen. DeLuca & Rep. Schwartzkopf, et. al.) – A companion bill to House Bill 310, this measure enables authorities to arrest and prosecute people who cheat while playing table games.

Status: Signed into law.

House Bill 194 – (Sponsors: Rep. Schwartzkopf, et. al.) – House Bill 194 has been a subject of consternation since it was introduced in the closing days of the 2009 legislative session. As written, the bill would have authorized legalized gaming at the proposed Del Pointe Race Track and entertainment complex in Millsboro. At least 10 amendments had been placed with the bill, including one offered by Rep. Schwartzkopf (House Amendment 5 to HB 194) that would have replaced it. House Amendment 5 sought to authorize two new casinos/racinos: one in Sussex County and one in the City of Wilmington. Under the proposal, the selection of the new venues would have been done through an application process conducted by separate Lottery Redevelopment Committees.

(For more information, go to our website – www.delawarestatehouse.com – and see the story in Week in Review for the week ending April 2, 2010.)

Status: Died on the House ready List.

House Bill 389 – (Sponsors: Rep. Viola, et. al.) – This bill sought to legalize a private gaming club proposed for the Wilmington area. The club would have been limited to a maximum of 5,000 members who would have paid a minimum membership fee of \$10,000 each. The facility would have been prohibited from operating slot machines, but would have been allowed to have table games and sports lottery machines operated exclusively for the enjoyment of members and their guests. Supporters said the state would have benefited from a one-time \$1 million license fee and an estimated \$2 million annually in direct gaming tax revenue. They also noted the enterprise would have generated significant additional tax revenue and created at least 150 permanent new jobs.

Status: Died on the House ready List.

Good Government

House Bill 361 – (Sponsors: Reps. D. Short & Hudson & Sen. Simpson, et. al.) – This bill clarifies that candidates running for state elective office must file financial disclosure reports.

Status: Signed into law.

House Bill 4 – (Sponsors: Rep. Hudson and Sen. Sorenson, et. al.) – Billed as a good government measure, HB 4 would have broadened campaign finance laws by requiring that all cash contributions of \$20 or more be fully disclosed in campaign finance reports.

Status: Passed the House. Died in the Senate Executive Committee.

House Bill 12 – (Sponsors: Rep. Lavelle and Sen. Bunting, et. al.) – HB 12 sought to establish a process by which “public officers” (as defined under Delaware law) would file annual reports disclosing the identities of any family members or close relatives that have state jobs or are employed by organizations receiving significant state funding.

Status: Died in the House Administration Committee.

House Bill 13 – (Sponsors: Rep. Lavelle & Sen. Bonini, et. al.) – HB 13 is the first leg of a Constitutional Amendment that would have required the state’s operating budget to be filed at least three legislative days before being voted on by the General Assembly. The capital budget (Bond Bill) would have been required to have been introduced at least two legislative days in advance of a vote. Supporters of the bill said the early introductions would have given lawmakers, the media, and the public an opportunity to review the state’s spending bills prior to their enactment.

Status: Died in the House Administration Committee.

House Bill 84 – (Sponsors: Rep. Lavelle & Sen. Bonini, et. al.) – The same proposal as House Bill 13 (see preceding), but as a simple statute. As a proposed constitutional amendment, House Bill 13 would have required the approval of two consecutive General Assemblies. As such, HB 13 could not be enacted prior to 2011. HB 84 would have allowed the proposal to be placed into effect in the interim.

Status: Died in the House Administration Committee.

House Bill 16 w/HA 1 – (Sponsors: Rep. Keeley, et. al.) – This bill seeks to require that lobbyists publicly disclose the name of every non-profit organization, community association, and trade group of which the lobbyist is a council or board member. The bill was amended to apply only to Delaware organizations.

Status: Passed the House. Died in the Senate Executive Committee.

House Bill 20 – (Sponsors: Rep. Keeley, et. al.) – Very similar to House Bill 12, this measure sought to require certain Delaware public officers to disclose which close relatives are also working for the state, school districts or other organizations receiving state money.

Status: Died on the House Ready List.

House Bill 27 – (Sponsor: Rep. Kowalko) – This bill sought to restrict former legislators from lobbying for a period of one year after their term of office ends. Those violating the measure would have been guilty of an unclassified misdemeanor. The measure is similar to legislation sponsored by State Rep. Deborah Hudson (R-Fairthorne) in the last General Assembly. Broader in scope, that bill (House Bill 196) also proposed placing lobbying restrictions on state agencies heads, cabinet officials, the governor’s executive staff and all statewide elected officials. HB 196 passed the House unanimously, but died in the Senate without action.

Status: Died on the House Ready List.

House Concurrent Resolution 32 – (Sponsors: Reps. Wilson & Hudson & Sen. Bunting, et. al.) – This measure urged the U.S. Congress to propose the Parental Rights Amendment to the states for ratification. Introduced by U.S. Senator James DeMint of South Carolina and U.S. Representative Peter Hoekstra of Michigan, the amendment would add language to the U.S. Constitution that supporters say is intended to prevent the erosion of parental rights. The amendment has three sections:

- **SECTION ONE:** The liberty of parents to direct the upbringing and education of their children is a fundamental right.
- **SECTION TWO:** Neither the United States nor any state shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.
- **SECTION THREE:** No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article; and

Status: Died in the House Administration Committee.

House Bill 342 – (Sponsors: Rep. Hudson & Sen. Bonini, et. al.) – This is the first leg of a Constitutional Amendment that would have required 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: Died in the House Appropriations Committee.

House Bill 366 – (Sponsors: Rep. Hudson, et. al.) – House Bill 366 was intended to give the public more information about how their tax money is being spent. It called for every state agency to post on the Internet a list of all the consultants they use. The postings would have included the consultant’s name; address; the services provided; the cost of the contract; the length of the contract; and the name and position of the person who approved it. In addition to increasing governmental transparency, supporters say the bill it could have also provided some insight as to whether these expenses were prudent and justified. The bill had a fiscal note attached to it because the Office of Management and Budget claimed they would have needed an additional full-time employee, at an estimated cost of \$58,400 annually, to administer the protocol.

Status: Died on the House Ready List.

House Bill 413 – (Sponsors: Rep. Lavelle, et. al.) – This bill would clarify that the state Insurance Department is subject to state procurement laws, including professional services contracts. The legislation is a reaction to published reports that Insurance Commissioner Karen Weldin Stewart awarded “no-bid” contracts to out-of-state companies when Delaware companies could have performed the work at competitive or cheaper rates.

Status: Died in the House Administration Committee.

House Bill 417 – (Sponsors: Reps. King & Dan Short & Sen. Booth, et al.) – This bill seeks to create a new reserve fund to aid state efforts to recover from a natural or manmade disaster. The Delaware Disaster Relief Fund would be financed with unencumbered (surplus) cash and would not exceed one-percent of the state’s operating budget.

Status: Died in the House Administration Committee.

House Bill 411 – (Sponsors: Rep. Lavelle, et. al.) – This bill would have mandated that the Delaware Economic and Financial Advisory Council (DEFAC) issue its last financial forecast no later than June 15th each year. By law, the state can only spend 98-percent of projected revenue, so the forecasts directly impact the shape and size of the operating and capital budgets. The June estimate is used to make last minute adjustments to the state’s spending plans, which take effect at the start of the new fiscal year July 1st. The operating and capital budgets can’t be finalized and printed until this forecast is issued. House Bill 411 sought to reform this needlessly arbitrary aspect of the state’s budget procedures and provide predictability from one year to the next. It also would have helped the facilitate the early introduction of the state’s operating and capital budgets, allowing the public a change to examine the spending bills before the General Assembly acted on them.

*For more information, visit our website – www.delawarestatehouse.com – and see the *Week in Review* story for the week ending May 14, 2010.*

Status: Died in the House Administration Committee.

House Bill 358 w/HA 1 – (Sponsors: Reps. D. Short, Bennett, Hudson, Kovach & Sen. Bunting, et. al.) – The sponsors of this bill wanted legislators and the public to have a better handle on the financial implications of proposed laws introduced in the Delaware General Assembly. Under current law, legislation that will require a state expenditure must have a “fiscal note” attached, altering lawmakers to how much the bill would cost to enact. This bill would have mandated that fiscal notes detail other economic implications of enacting legislation, including how many jobs the measure might create and how much revenue might be generated.

Status: Passed the House. Died in the Senate Finance Committee.

House Bill 412 – (Sponsors: Rep. Lavelle, et. al.) – This measure was a constitutional amendment version of House Bill 1 (making the General Assembly subject to the state Freedom of Information Act). Because House Bill 1 was enacted as a simple statute, it is not binding on future General Assembly sessions. The only way for one General Assembly to apply law on another General Assembly is to amend the state constitution, which is what this bill sought to do.

Status: Died in the House Administration Committee.

Government Re-organization

House Substitute 1 for House Bill 247 (as amended) – (Sponsors: Rep. Keeley, et. al.) – This bill redefines the Consumer Protection Division in the state Department of Justice, giving the director broader authority. Among the three amendments tacked on to the bill is one that adds “due process” protections to administrative consumer protection cases brought by the Consumer Protection Unit.

Status: Signed into law.

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: Signed into law.

House Bill 480 w/HA1 – (Sponsors: Rep. D.E. Williams, et. al.) – This legislation implements the reorganization of the Department of Natural Resources and Environmental Control (DNREC). Among other things, it separates the current Division of Air and Waste Management into the Division of Waste Management and Division of Air Quality. The Division of Soil and Water Conservation is being re-named the Division of Watershed Stewardship under the bill. Also getting a new name is the Division of Water Resources, which will be now known as the Division of Water. The measure authorizes the Secretary of DNREC to create an

Office of Environmental Protection that will include the Divisions of Waste Management, Air Quality, and Water. The Secretary will also be empowered to form an Office of Natural Resources to include the Division of Watershed Stewardship, the Division of Parks and Recreation, and the Division of Fish and Wildlife.

Status: Passed the General Assembly. Expected to be signed into law.

House Bill 465 & House Joint Resolution 12 – (Sponsors: D.E. Williams & Sen. Katz, et. al.) – These related pieces of legislation sought to eliminate the County Recorder of Deeds as an elected office. Under these measures, a working group would have been established to develop legislation to create a state-run recordation system that would have been managed by the Department of State. Supporters said it was their intent that the counties would not lose any money from the loss of the revenue-generating offices. They maintained the new scheme would reduce costs and improve government efficiency.

Status: Died in the House Administration Committee.

House Bill 468 & House Joint Resolution 13 – (Sponsors: Rep. George & Sen. Katz, et. al.) – These related pieces of legislation sought to eliminate the traditional “county row office” of Register of Wills, replacing the elected positions with an integrated state-run system. The offices generate revenue for the county governments, but the supporters of the measures claim the new system is intended to be “revenue neutral” for the counties. They also say the bills are intended to produce a “more cost-effective and efficient system of Register of Wills offices.”

Status: Died in the House Administration Committee.

Housing/Manufactured Housing

House Bill 105 (as amended) – (Sponsors: Reps. Atkins, et. al.) – This bill establishes and clarifies the obligations of landlords and tenants in manufactured housing communities for the maintenance, care and possible removal of trees.

Status: Signed into law.

House Bill 320 (as amended) – (Sponsors: Rep. Cathcart & Sen. Bruce Ennis, et. al.) – Effective Jan. 1, 2011, this bill will require new home sellers to disclose before the sale any fees to which the buyers will be obligated should they purchase the property. Under this bill, a violation of this section is enforceable as a violation of consumer law. The bill and a companion measure (HB 321) were the result of complaints of residents of the Odessa National community.

Status: Signed into law.

House Bill 321 w/HA 2 – (Sponsors: Rep. Cathcart & Sen. Bruce Ennis, et. al.) – A community developer, homeowner association, or other similar entity may not collect fees for an amenity that is not available for use by residents. Under this

bill, a violation of this section is enforceable as a violation of consumer law. The bill and a companion measure (HB 320) were the result of complaints of residents of the Odessa National community who were forced to pay fees for facilities and services that were promised but not provided.

Status: Signed into law.

[House Bill 392](#) – (Sponsor: Rep. Longhurst, et. al.) – This bill seeks to require that the owners of manufactured home communities make a community center available to residents who wish to hold tenant meetings. The legislation requires the meeting space to be offered to the residents at no cost.

Status: Signed into law.

[House Bill 488 \(as amended\)](#) – (Sponsors: Rep. Schwartzkopf, et. al.) – This bill eliminates hot water heater replacements from state inspections and fees.

Previous legislation, also sponsored by Rep. Schwartzkopf (House Bill 72), was enacted in July 2007. It required the Division of Public Health to assess a \$100 fee for permits required for plumbing work. The fee was intended to defray costs associated with the state's plumbing inspection program. HB 72 was approved by the House and Senate by unanimous votes in each chamber.

However, the permits became controversial this spring after awareness about the requirement grew and homeowners who were getting their hot water heaters replaced were assessed the fee. Claiming this was an unintended consequence of his previous measure; Rep. Schwartzkopf rushed to file House Bill 488 in the closing days of the 2010 legislative session (introduced June 22, 2010). HB 488 specifies that the inspections and permit fees apply only to new construction. The bill specifically exempts the replacement of existing fixtures and equipment (including hot water heaters), and their related plumbing, from the state mandate.

Status: Signed into law.

[House Bill 200](#) – (Sponsors: Rep. Longhurst, et. al.) – This bill would have required landlords of manufactured housing communities to provide prospective tenants with certain information prior to the signing of a lease agreement. The mandated disclosure would have included a copy of the rental agreement, standards and fee schedule. The bill also sought to require that prospective tenants receive counseling provided by Delaware Manufactured Homeowners Association (DMHOA) regarding material terms of the lease agreement and other relevant documents. Supporters of the bill said the intent was to make prospective tenants as knowledgeable as possible before they signed a lot rental agreement. The DMHOA would have been reimbursed for its counseling costs by the Delaware Relocation Trust Fund and could have charged prospective tenants up to \$40 for each counseling session.

Status: Died on the House Ready List.

House Bill 30 (as amended) – (Sponsors: Rep. Jaques, et. al.) – This bill proposed increasing the Voluntary School Assessment fee, which is paid by developers to help fund additional school construction needed to support the families moving into new homes. In addition, the bill would have also raised the cap on the Voluntary School Assessment to six percent of the total cost of a residential unit. An amendment was added to the bill restricting its scope to only Appoquinimink School District.

Status: Passed the House. Died in the Senate Education Committee.

House Bill 311 – (Sponsors: Rep. Longhurst, et. al.) – This bill would have clarified existing law and empowered the state Attorney General’s Office to apply, carry out, and enforce the laws and regulations relating to Manufactured Homes and Manufactured Home Communities in the Delaware Code. The measure would have also required that people or organizations showing a repeated pattern of violations be reported to the Delaware Better Business Bureau.

Status: Died in the House Manufactured Housing Committee.

House Bill 313 – (Sponsors: Rep. Longhurst, et. al.) – This bill sought to make several revisions to the existing “alternative dispute resolution methods” (ADR) that are used to deal with disagreements between manufactured homeowners and their landlords. Among the proposed changes was a provision that would have clarified that the parties involved in a dispute must first attempt to resolve their differences via the ADR procedures prior to initiating litigation. Additionally, the bill stated that the parties must make a “good faith” effort to resolve the dispute, at the risk of incurring sanctions. A further proposed revision would have required that all persons necessary to resolution of the dispute be present at the ADR conference.

Status: Died on House Ready List.

Hunting & Trapping & Guns

House Bill 226 w/HA 1 & 2 – (Sponsors: Rep. Mitchell) – This bill increases the penalty for illegally carrying a concealed firearm by reclassifying what is currently a class G felony as a class D violent felony. Under Delaware’s sentencing guidelines (Title 11, 4502), people convicted of a Class G felony would face up to two years in prison, while those found guilty of a Class D felony could be sentenced to up to eight years behind bars. One of the amendments added to the bill protects permit holders who might inadvertently be in violation of the measure because their applications for renewal were not processed in a timely fashion.

Status: Signed into law.

House Bill 398 – (Sponsors: Rep. Outten, et. al.) – This bill allows the Department of Natural Resources and Environmental Control (DNREC) to extend the muskrat season. Under the bill, wildlife officials will 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: Signed into law.

[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 will also establish a 50-yard “safety zone” for hunting deer during the archery season.

Status: Signed into law.

[House Bill 124](#) – (Sponsors: Rep. Mitchell, et. al.) – This bill would have allowed New Castle County government to regulate the possession of a firearm on county-owned property or on property that is leased by or to the county.

Status: Died in the House Housing & Community Affairs Committee.

[House Substitute 1 f/ House 357 w/ HA 3](#) – (Sponsors: Rep. Atkins & Sen. Booth, et. al.) – This bill sought to reverse the policies of several Delaware public housing authorities that bar their residents from possessing firearms. Supporters of the bill said that the regulations are unconstitutional and arbitrarily deny law-abiding residents their Second Amendment rights based on their socio-economic status. They also noted that similar prohibitions have been struck down by federal courts elsewhere in the nation. Gov. Jack Markell opposed the original legislation when it was introduced earlier this year on the grounds that it was overly broad and would have had undone firearms controls beyond the public housing authorities. This replacement measure was intended to narrow the scope to deal solely with the public housing restrictions. It was amended in the House to continue to allow public housing authorities to regulate the possession of firearms in common areas.

Status: Passed the House. Died in the Senate after supporters requested the bill not be worked. That request followed a U.S. Supreme Court decision that struck down the ability of local governments and governmental agencies from barring gun ownership.

Insurance

[House Bill 85 w/HA 1 & SA 1](#) – (Sponsors: Reps. D. Short & B. Short & Sen. Blevins, et. al.) – Supported by the bipartisan Small Business Caucus, this implements recommendations made by the DE Health Care Commission. A comprehensive review of “rating rules” for small employer group health insurance revealed that the system is complicated, difficult to understand, and does not achieve the goal of making premiums more predictable from year to year. This bill compresses rate variations between high risk and low risk groups, reduces rating factors from seven to three, and limits annual increases/decreases due to changes in health status to 15 percent. The bill also prohibits the sale of 'stop-

loss' coverage in the small group market. The effective date of the legislation is July 1, 2011.

Status: Signed into law.

House Bill 420 (as amended) – (Sponsors: Rep. Scott, et. al.) – This new law prohibits “post-claims underwriting” by health insurers – a practice whereby an insurance company fails to properly complete underwriting prior to issuing a policy and later determines that the insured was ineligible for coverage after policy-holder has filed a claim against it. Companies engaging in post-claims underwriting rescind the policy of customers, notwithstanding the fact that these people have, in some instances, been paying premiums on the policy for months or years. This law does not apply in instances where the insured knowingly misrepresented or omitted information which materially affects the risk of hazard assumed by the insurer.

Status: Passed the General Assembly. Expected to be signed into law by the governor.

House Bill 64 – (Rep. Booth, et. al.) – HB 64 is a reintroduction of a 2007 bill that would have allowed Delaware small businesses to participate in the State Group Health Insurance Program. By being part of a large pool, the businesses should have been able to obtain lower premiums than would otherwise have been possible. Supporters noted there would have been no cost to the state since the businesses would be responsible for paying their own premiums.

Status: stricken.

House Bill 367 – (Sponsors: Rep. D. Short, et. al.) – This bill was intended to deal with a scenario where an insurance company denies coverage for what they view as an unneeded procedure or test and the insured person pays for the work. Under HB 367, if it was later proven that the procedure/test was “medically necessary,” insurance companies would have been required to reimburse the policy-holder for all expenses, including the deductible and other out-of-pocket costs, he or she incurred. The lead sponsor, Rep. Dan Short, said the Insurance Commissioner’s office already has the tools to put the legislation into practice. Section 2307, Title 18 of the Delaware Code contains procedures the agency can employ when there is reason to believe that an insurer has engaged in an unfair practice, such as denying legitimate claims.

Status: Died on House Ready List.

House Bill 353 – (Sponsors: Reps. Hudson, Ruth Briggs King, et. al.) – This bill, also known as the Delaware Health Freedom Act, specified that Delawareans should be free to choose, or decline to choose, all healthcare services, without penalty or threat of penalty. The bill further directed the state attorney general to enforce the provisions of the act and defend the State of Delaware against challenges to the law.

Supporters noted the bill was an attempt to preserve Delawareans' freedom of choice in matters of healthcare as well as defending Delaware's "state rights" to govern its own citizens.

At least 38 states have filed or pre-filed similar legislation, including the neighboring states of Pennsylvania, New Jersey and Maryland. Three states have already enacted laws (Virginia, Idaho and Arizona) and three states have placed constitutional amendments on the ballot.

The bill was bottled-up in committee by the House's Democratic leaders, despite approximately 3,000 citizen signatures presented supporting the measure.

(For more information, go to our website – www.delawarestatehouse.com – and see the stories in Week in Review for the weeks ending April 2, 2010 and May 14, 2010.)

Status: Died in the House Administration Committee.

Labor

House Concurrent Resolution 1 – (Sponsors: Reps. Brady & Plant & Sen. Marshall, et. al.) – This House concurrent resolution urged Congress to pass the Employee Free Choice Act. The sponsors contend the federal law would "protect and preserve working Americans freedom to choose whether or not to form a union." However, the federal proposal has generated national controversy. Under current law, union organizers can request an organizing election once 30 percent of a company's workers sign union authorization cards. Once this threshold is reached, the National Labor Relations Board (NLRB) orders a secret-ballot election to be held. The Employee Free Choice Act would eliminate the election process, if more than 50-percent of a company's employees sign the authorization cards. While supporters say this is a common sense approach that removes a needless step, detractors note this change would expose those opposed to the union to coercion since their wishes would have to be expressed in a public, rather than private, process.

Status: Spent a year in the House Administration Committee before being stricken.

Medical & Public Health

House Bill 159 (as amended) – (Sponsors: Rep. Hocker & Sen. Booth, et. al.) – This bill mandates that healthcare workers who are required to take continuing education programs receive "dementia-specific training each year." The measure excludes doctors. There are reportedly more than 26,000 Delawareans who suffer with some type of dementia. State Rep. Gerald Hocker (R-Ocean View), a co-sponsor of the new law, said he's been an advocate for better training for healthcare workers for more than two years. Rep. Hocker, whose

mother-in-law is an Alzheimer's disease victim, says such information can help improve the quality-of-life for patients and make the job of caregivers easier.

(For more information, go to our website – www.delawarestatehouse.com – and see the stories in Week in Review for the weeks ending April 30, 2010.)

Status: Signed into law.

Senate Bill 44 w/ SA1 – (Sponsors: Sen. Sokola, et. al.) – This bill would allow state officials to use protected health information for research purposes. The measure adheres to federal regulations and requires that steps be taken to ensure the privacy of individual records.

Status: Signed into law.

Military & Veterans

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 437 (as amended) – (Sponsors: Rep. Ruth Briggs King, et. al.) – This bill will allow active duty U.S. military personnel to get a Delaware hunting, trapping, or fishing license for the same cost as a state resident.

Status: Signed into law.

House Bill 472 (as amended) – (Sponsors: Reps. Outten & Wilson, et. al.) – Passed unanimously, this bill will designate March 30th as “Vietnam Veterans Day” in Delaware, which will be commemorated by ceremonies honoring those U.S. military servicemen and women who served in the Vietnam theater of operations from 1961 through 1975.

Status: Passed the General Assembly. Expected to be signed into law.

House Bill 483 – (Sponsors: Reps. Carson, et. al.) – Signed into law at a special ceremony at the Delaware State Fair (7/29), this measure exempts active-duty National Guard members and reservists from having to pay late fees for the renewal of state-issued licenses. The statute applies specifically to those service personnel serving outside Delaware.

Status: Signed into law.

House Bill 418 – (Sponsors: Reps. King, Hocker & D. Short, et. al.) – Also known as the “Military Parents' Rights Act,” this legislation sought to protect the

parental custody and/or visitation rights of military service members that are forced to be absent as the result of being deployed. Although the bill was modeled on legislation enacted in other states, it raised some concerns from the legal community regarding the impact it might inadvertently have on Family Court proceedings.

Status: Died in the House Veterans Affairs Committee.

Seniors

[House Substitute 1 for Bill 348 w/ HA 3](#) – (Sponsors: Rep. Longhurst, et. al.) – This bill imposes enhanced penalties on those people who commit dozens of criminal offenses, if the victim is a vulnerable or infirmed adult. Supporters of the bill believe the enhanced penalties are needed because adults with physical and/or mental limitations are at greater risk of being exploited or victimized. Under the legislation “vulnerable adult” is defined as people who by reason of “isolation, sickness, debilitation, mental illness or physical, mental or cognitive disability, are easily susceptible to abuse, neglect, mistreatment, intimidation, manipulation, coercion or exploitation.”

Status: Signed into law.

[House Bill 302](#) – (Sponsors: Rep. B. Short, et. al.) – HB 302 was intended to encourage the reporting of suspected financial exploitation of the elderly and infirm adults by providing immunity from criminal and civil liability for those making such reports.

Status: Died in the House Judiciary Committee.

State Employees

[House Substitute 1 for Bill 10](#) – (Sponsors: Rep. Schooley, et. al.) – Under this bill, the same-sex partner of a State of Delaware employee or pensioner would have been entitled to the same benefits provided to spouses. Employees of labor unions, Delaware authorities and commissions would have also been included under the measure.

Status: Died on the House Ready List.

Taxes & Fees

[House Bill 335](#) – (Sponsor: Rep. Schooley, et. al.) – This bill directs the Secretary of Finance to develop a means by which Delaware taxpayers can directly deposit their income tax returns into a Delaware College Investment Plan account.

Status: Signed into law.

Senate Bill 209 w/SA 1 & HA 1 – (Sponsors: Sen. Henry, et. al.) – This bill extends the expiring Historic Preservation Tax Credit Act for 10 years. 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 requires 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: Signed into law.

House Bill 477 – (Sponsors: Reps. Viola & Hudson, et. al.) – In an apparent attempt to reduce the cost of prescription drugs in Delaware, this bill clarifies that pharmaceutical wholesalers shipping drugs to a Delaware distribution wholesaler are exempt from the state's gross receipts tax.

Status: Signed into law.

House Bill 334 – (Sponsors: Reps. Hudson, et. al.) – This measure removes the defunct Delaware Children's Trust Fund as fund eligible for contributions from obtained the income tax check-off.

(For more information, visit our website – www.delawarestatehouse.com – and see the story in Week in Review for the week ending April 23, 2010.)

Status: Signed into law.

House Bill 8 – (Sponsors: Rep. Hudson and Sen. Bonini, et. al.) – Modeled after a Montana law, this bill had proposed allowing Delaware residents serving on active duty with the military to exempt their military salaries from the state's personal income tax.

Status: Died in the House Revenue & Finance Committee.

House Bill 110 – (Sponsors: Rep. D. Short, et. al.) – This bill would have temporarily suspended Delaware's prevailing wage requirements for public school construction, renovation, and maintenance projects. A report by the Leadership for Education Achievement in Delaware (LEAD) estimated the state could save approximately \$30 million annually by instituting the change. Following the four-year exemption, the bill called for the Department of Education and the Department of Labor to evaluate of the pilot program and issue a report detailing cost savings, building quality and the overall impact on construction wages in Delaware.

Status: Died in the House Labor Committee after spending more than a year bottled up.

Traffic/Motor Vehicles

House Bill 299 – (Sponsors: Rep. Bennett, et. al.) – This bill is intended to fix an oversight in “Michelle Smith’s Law” (HB 204), which was enacted in the wake of the death of Delaware City paramedic Michelle Smith. The law was intended to protect first-responders by increasing the penalties against those that intentionally injure or kill them. However, it failed to include paramedics or emergency medical technicians. HB 299 adds these occupations to those designated as first-responders, as well as fire marshals and fire police.

Status: Signed into law.

House Bill 388 – (Sponsors: Rep. Hudson, et. al.) – This bill dramatically increases the penalty for scofflaws who are not registering their vehicles in Delaware after they move here. The sponsors note the current \$25 fine for violators is not a sufficient deterrent to prevent the illegal behavior. Under the bill, first-time violators will be fined between \$400 and \$600. Subsequent violations will earn a civil penalty of \$800 to \$1,200 and/or 10 to 30 days in jail.

Status: Signed into law.

HS 1 for House Bill 229 – (Sponsors: Reps. Scott & Miro, et. al.) – Beginning January 2, 2011, this new law prohibits Delaware drivers from using hand-held cell phones or other electronic devices to hold conversations, send text-messages, or access the Internet. The law will not apply to law-enforcement officers, firefighters, emergency medical technicians, or paramedics engaged in the performance of their duties. The law also won’t impact motorists while they were placing a call or activating their “hands-free” equipment; people operating or driving farm tractors, farm trucks and farm equipment; FCC-licensed amateur radio operators (see HB 494 below); and mobile-radios used by businesses and government agencies (see HB 493 below). First-time offenders will be hit with a \$50 fine, while repeat violators will face a penalty of between \$100 and \$200.

(For more information, visit our website – www.delawarestatehouse.com – and see the story in Week in Review for the week ending June 18, 2010.)

Status: Signed into law.

House Bill 493 – (Sponsors: Rep. Schwartzkopf, et. al.) – This bill exempts two-way radios used by delivery and service trucks, as well as those utilized by state workers, from the law barring the use of hand-held electronic communication devices by Delaware motorists (see above). Rep. Schwartzkopf said while police and first responders were excluded from the original ban, he forgot transportation workers and others still use the dated, but proven, technology. However, the owners and operators of Citizens’ Band (CB) radios, unless they are being used for specific business-to-business communication purposes, will still be banned from using hand-held equipment when the new law takes effect January 2, 2011.

Status: Signed into law.

[House Bill 494 w/HA1](#) – (Sponsors: Rep. King, et. al.) – This bill carves out an exemption for “FCC-licensed amateur radio operators” from the new law barring the use of hand-held electronic communication devices by Delaware motorists (see HS 1 for House Bill 229).

Status: Signed into law.

[House Bill 429](#) – (Sponsors: Reps. Cathcart & Wilson, et. al.) – The bill was a reaction to a letter from Division of Motor Vehicles Director Jennifer Cohan asking that the General Assembly to “consider limiting/capping the number of specialty plate legislative initiatives.” In the letter sent to all state legislators, Ms. Cohan acknowledged that many worthwhile organizations seek their own specialty license plates to both promote their causes and raise revenue. However, she noted that adding to the more than 100 specialty plates currently managed by the DMV is placing an increasing burden on her agency. HB 429 sought to impose a three-year moratorium on the creation of new license plates.

For more information, go to the “press release” page of our House website – www.delawarestatehouse.com – and see the release for May 20, 2010.

Status: Died on the House Ready List.

[House Bill 383](#) – (Sponsors: Rep. Q. Johnson, et. al.) – This act would have created a special license plate for veterans for Operation Enduring Freedom. Launched in the wake of the September 11, 2001 terrorist attacks, the ongoing Operation Enduring Freedom has resulted in scores of military missions fighting Al-Qaeda and its Taliban supporters. The Delaware Division of Motor Vehicles currently offers more than 100 specialty license plates.

Status: Passed the House. Died in the Senate Executive Committee.

[House Bill 28 w/HA 1](#) – (Sponsors: Rep. Miro, et. al.) – This bill would have allowed physician assistants and nurse practitioners to report people, whose mental or physical conditions may interfere with the safe operation of a motor vehicle, to the Division of Motor Vehicles.

Status: Passed by the House. Died on the Senate Ready List.

[House Bill 197 \(as amended\)](#) – (Sponsors: Rep. Brady, et. al.) – This enabling legislation would have permitted Delaware police agencies in New Castle County and the City of Wilmington to initiate a two-year pilot program to use automated equipment to enforce speed limits within a quarter-mile of school zones. Such programs use unmanned cameras and other devices to measure the speed of vehicles and issue tickets by capturing license plate information. Arizona currently has a statewide speed camera enforcement program in place, but it has generated significant controversy regarding its fairness and invasiveness. Under the Delaware proposal, tickets of up to \$50 would have been issued to motorists traveling at least 11 miles per hour above the posted speed limit. The civil violations would not have carried any “points,” nor become part of a driver’s

record. The bill squeaked by the House with just 22 of the chamber's 41-members approving the measure.

Status: Passed the House of Representatives. Died in the Senate Judiciary Committee.

House Bill 58 – (Sponsors: Rep. Oberle, et. al.) – This bill would have made speeding in excess of 95 miles per hour a class A misdemeanor and revoked the violator's driver license.

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

House Bill 281 – (Sponsors: Rep. Keeley, et. al.) – This measure sought to require those convicted of felony-level "driving under the influence" offenses to submit to electronic alcohol monitoring for a period of six months following their release from prison. The monitor would have been paid for at the perpetrator's expense. The measure passed the House 38 to 0.

Status: Passed the House. Died in the Senate Executive Committee.

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

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

Miscellaneous

House Bill 330 w/SA1 – (Sponsor: Rep. Schwartzkopf, et. al.) – This new law shields from the threat of lawsuits anyone who makes "good faith" donations of equipment to volunteer fire departments. The bill does not apply in cases where those making the donations had engaged in gross negligence or intentional misconduct. The legislation is intended to remove a barrier that may have been preventing volunteer fire companies from receiving aid.

Status: Signed into law.

House Bill 344 w/ HA 1 – (Sponsors: Rep. Brady, et. al.) – This bill clarifies those people who have the authority to legally marry couples in the First State. HB 344 would empower the clergy of any religion; the mayor of any incorporated town (within municipal limits); and the judge of any Delaware court, to conduct marriages. Testifying on the floor of the House, New Castle County Clerk of the Peace Kenneth Boulden Jr. said the law needed to be inclusive of all clergy because the U.S. Constitution forbids the state from making a determination on the validity of religions. A companion piece of legislation – House Bill 370 – sought to re-establish the discontinued government practice of registering clergy

and ministers authorized to conduct marriages in Delaware. However, that bill ran into irresolvable issues and stricken.

Status: Signed into law.

Senate Bill 224 – (Sponsors: Sen. DeLuca, et. al.) – This bill abolishes the State Police Ready Reserve - a unit established less than four years ago to assist in times of crisis.

(For more information, visit our website – www.delawarestatehouse.com – and see the story in Week in Review for the week ending April 23, 2010)

Status: Signed into law.

House Bill 448 w/ HA 1 – (Sponsors: Rep. Schooley, et. al.) – This bill creates a so-called “Blue Alert” program, which is intended to speed the apprehension of people suspected of killing or seriously injuring law enforcement officers. Under the bill, police agencies will 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: Passed the General Assembly. Expected to be signed into law.

Senate Bill 255 w/SA1 – (Sponsors: Sen. Henry and Rep. Schooley) – This bill sought to eliminate a current prohibition that prevents people convicted of drug felonies from receiving food stamps.

Status: Passed the Senate. Died on the House Ready List.

House Bill 155 – (Sponsors: Rep. Lavelle, et. al.) – This bill would have waived the state’s sovereign and limited immunity in child sexual abuse cases. HB 155 was intended to provide the 125,000 children in Delaware’s public school system, and other children under state care, with the same legal rights afforded to children under the care of private sector institutions. Lifting the state’s immunity would have allowed victims to pursue civil action against the state agencies and schools in whose care they were in when the abuse occurred. Additionally, the bill would have also granted abuse victims a two-year window to bring civil charges in cases involving public institutions where the statute of limitations had already expired. A similar window was provided to victims of child sex abuse under Senate Bill 29, the Child Victim’s Act (2007), which removed the statute of limitations for civil cases against nonprofit and private institutions in which child sexual abuse had been alleged. HB 155 was the fourth attempt at getting such legislation enacted. The most recent attempts were made during the 144th GA (House Bill 242 & House Bill 335). Both bills passed the House, but died bottled-up in Senate committees. The bill was supported by child advocates.

Status: Died in the House after spending more than a year on the Ready List.

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