

LEGISLATIVE UPDATE

Overview and Insights into Active Bills in the Current Term of the Legislature.

Second session of the 2-year , 151st General Assembly, ending 6/30/2022. Currently on Easter Break, reconvening 5/3.

Legislative Awareness Working (LAW) Group – April 2022

Voting, Budget & Admin

- **Voting Changes**

- **HB 30** Primary to April (passed House, last May, 37-4, in Senate Comm.)
- **HB75** – “Final Leg” Amendments to allow “No Excuse” Absentee Voting (failed 2/3’s vote by 25-14-2, 6/10, but vote was rescinded and bill “laid on table”, 6/17/21)
- **HS1 for HB25** - Same-Day Voter Registration was released from committee 4/13.
- **HB187** Voter ID Requirement, introduced 5/18/21 by Rep. Collins. (No Action)
- **HB188** Penalty for fraudulent voting by Rep. Vanderwende. (No Action)
- **SB5** “Motor-Voter” Bill has been passed and signed, provides for automatic registration (with proof of citizenship) for anyone transacting business with the DMV (eff. in 2 yrs).

- **Taxes**

- **HB360** “\$300 Relief Rebate to all resident taxpayers” was signed by Gov. on 4/14. House passed 35-3-3, Senate passed 21-0. Republicans joined to provide “some” relief, even if imperfect.
- **HB358** was submitted by Rep. Bush (superceding **HB71**, previously submitted by Rep. Ramone). Reduces real estate transfer tax from 4% back down to 3%.
- All other measures (proposed by Republicans) have not progressed since introduced in 2021.

- **Family Leave**

- **SS2 for SB1** “Paid Family Leave Bill” cleared the Legislature, pending Gov. signature. Provides up to 12 weeks leave for health, family and other reasons. Funded by 0.5% tax on employees/employers.

- **COVID-19**

- **HB49** Requires Legislative approval for continued “State of Emergency” after 30 days. Tabled in committee, 6/15/2021. State of Emergency reinstated State of Emergency on 1/3/2022.
- **SB58** Remove State’s Ability to Forcibly Isolate, Quarantine, Vaccinate or Treat Individuals Against Their Will, by Sen. Lawson, et al. Introduced 2/12/21.
- **HB203** Governor May Not Deny FOIA Requests During State of Emergency, introduced 5/19/21 by Rep. Shupe.
- **HB209** Prevents Denial of Access or Services to those who choose not to be vaccinated, introduced 6/3/21 by Rep. Collins.
- All the above bills have not progressed in a Democrat-controlled Legislature.
- Note “massive” influx of federal funds related to COVID-19 response is largely being managed outside the budget process.

2nd Am'dm't & Justice

- **SS1 for SB3** "Permit to Purchase Handguns"
 - Recurrent training (within 5 years), fingerprinting & Homeland Security background check required to exercise "right" to purchase a handgun. Valid for only 180 days, requiring renewal.
 - Contentious and very limited hearing in the Senate, ultimately passed 13-8. House added amendments, including a "State firearms transaction record". **No recent action.**
- **SB6** "Magazine Capacity Limitation"
 - Contentious hearing in the Senate, ultimately passed 13-8.
 - Major rewrite of bill in the House: Limit increased from 17 rounds to 20 handgun/30 rifle, grandfathered current owners, commission of a crime with a magazine larger than what was issued by the manufacturer is a felony.
 - Passed House (24-16), as amended, and returned to Senate. Senators NOT happy.
- **SB53** "Preventing Urban Firearm Violence"
 - Establishes a risk assessment tool and pursues actions spurred by CDC Report that was specific to "Wilmington, DE. **No Action.**
- **SS1 for SB149** "Amend Law Enforcement Officers' Bill of Rights"
 - Prosecutors, defense counsel and PUBLIC access (via FOIA) to Police misconduct and disciplinary records. Allows creation of "community review boards.
 - Substitute language introduced 3/21/2022.

Pro-Life

- **HB320** "Increased Access to Abortion Drugs"
 - Bill introduced to allow prescription by physician assistants and advanced practice nurses (incl. "nurse practitioners").
 - Passed the House, 25-15, and passed the Senate, 14-7, both along party lines. Awaiting action of the Governor (reportedly opposed).
 - **HB140** "Assisted Suicide"
 - Voted out of committee in the House.
 - Assumes correct medical diagnosis and does not require the signing physician to even know the patient! There is no reference or consideration of "state of mind" of the patient.
 - **SB235** "Pain-Capable" Unborn Child Protection Act
 - Hearing planned for May – expect rallies to support.
 - "Dignified Disposal of Fetal Remains" – Legislative discussions in response to Seaford passing an ordinance requiring cremation or burial of fetal remains from abortion/miscarriage. Seaford Mayor and supporting Council members were re-elected!
-

Equal Rights

- **HB155** "Re-definition of Sexual Orientation, Gender Identity and Disability across Delaware Code"
 - Passed House (36-4, Collins, Morris, Postles & Vanderwende opposed), released from committee, pending in the Senate. No progress in 2022 session.
- **HB199** "Amendment Relating to Equal Rights"
 - Extends existing language protecting immutable rights (sex, race, color and national origin) to include "sexual orientation, gender identity and disability" (fluid characteristics).
 - This is a "First Leg" amendment. If passed in 2022, would require passage in 2023-24 session to take effect.
- **SB227** "Fairness in Women's Sports"
 - Requires a student athlete to compete on teams/sports associated with their biological sex. Females may compete in male sports, where a corresponding female sport is not available.
 - Contentious hearing in the Senate Health & Social Services Committee, chaired by nation's first openly "trans" state Sen. Sarah McBride. Not expected to be released.
- **SB256** "Abuse of Power Prevention Act", addressing misconduct by public officials
 - Apparent retaliatory legislation by Sen. McBride, directed at Sen. Richardson and his proposal to address "Trans-female" participation in women's sports. Seeks to assign "hate crime" status to certain positions and speech by public officials.

Other Issues

- **HS1 for HB293 – “Public Comment at Open Meetings”**
 - Requires public bodies to have public meetings and allow for public comment (Good), but allow public bodies to limit public comment that THEY consider “irrelevant, immaterial, unsubstantial, cumulative or privileged.” (THEY decide who they can “censor”!)
 - Released from House Administration Committee.
- **SB219, 220,221 & 223 – “Criminal Penalties for Riotous Behavior”**
 - Address rioting, looting, burning, etc... as seen in other locales.
 - Proposed by Sen. Dave Lawson. No action seen or pending.
- **HB317 – “Medical Coverage for All Delaware Children”, tax-funded, DHSS-operated coverage program for all children not otherwise covered**
 - Includes estimated 5000 illegal immigrant children
 - Released from House committee with “bipartisan” support apparent.
- **HB371 Decriminalizing possession of 1 oz. or less of marijuana**
 - HB305 was defeated with a vote of 23-14-4 (required 2/3’s to pass). It was replaced with HB371 (simple majority required) to de-criminalize and HB372 (requiring 2/3’s to pass) to provide regulation and taxes.

In Closing

- Legislative Sessions run 2 years (representative term), so all bills not acted on in 2022 will have to be resubmitted in the next Session.
 - Note that ALL Senators will be up for election in 2022, due to redistricting (some 2-year/some 4-year terms)
 - **Stay Informed and Stay Involved! Public involvement has an impact.**
-