

# *LEGISLATIVE WRAP-UP*

*Overview and Insights into the Recent Term of the Legislature.*

*Second session of the 2-year , 151<sup>st</sup> General Assembly, ended 6/30/2022. The 152<sup>nd</sup> General Assembly will convene in January, 2023.*

*Legislative Awareness Working (LAW) Group – July 2022*

# Voting, Budget & Admin

- **Voting Changes**

- **HB 30** Primary to April, no action completed.
- **SB320** "Vote-by-mail" Option passed the General Assembly, after an amazing floor fight by Sen. Bonini (25 amendments, with full procedure). Signed by the Governor.
- **HS1 for HB25** - Same-Day Voter Registration was passed (party lines) by the General Assembly and signed by the Governor.
- Jane Brady is filed a lawsuit (representing Michael Higgin, Candidate & Michael Mennella, Polling Inspector) challenging the two laws as unconstitutional.

- **Taxes**

- **HB360** "\$300 Relief Rebate" to all resident taxpayers" was signed by Gov. on 4/14. Republicans joined to provide "some" relief, even if imperfect. **Payments made.**
- The Democrat-controlled Joint Finance Committee revised the **Senior Property Tax Credit from \$400 to \$500 for Fiscal Year 2023**, ignoring prior bills presented by Rep. Ramone (\$500) and Rep. Hensley (\$750).

- All other tax relief measures (proposed by Republicans) have not progressed since introduced in 2021.

- **Family Leave**

- **SS2 for SB1** "Paid Family Leave Bill" signed by Gov. Carney.
  - Provides up to 12 weeks leave for health, family and other reasons. Funded by 0.5% tax on employees/employers.

- **COVID-19**

- Efforts to provide legislative oversight to the repeated authorizations of the State of Emergency have all failed.
- Note "massive" influx of federal funds related to COVID-19 response is largely being managed outside the budget process.

# *2<sup>nd</sup> Am'dm't & Justice*

Recent incidents in Uvalde, TX and elsewhere spurred furious action in the DE Legislature. Bills were accelerated and new bills introduced in the final month of the session under the Governor's banner of a comprehensive "Gun Safety Package."

The following bills were signed into law by Gov. Carney on 6/30:

1. **House Bill 450** – the "Semi-Auto Ban" **takes effect immediately.**
2. **House Bill 451** – the "Under 21 Ban" – **takes effect immediately** but exempts those 18 years of age or older on June 30, 2022.
3. **Senate Substitute #1 for Senate Bill 6** – the "Magazine Ban" – **takes effect 60 days from the date of signing (Aug 29).**
4. **Senate Bill 302** – the "Dealer Liability Nuisance Bill" – **takes effect immediately.**
5. **Senate Bill 8** – "Machine Gun Bill"

Lawsuits have been filed by the Delaware State Sportsmen's Association, challenging the HB450 "Semi-Auto Ban" and suits are expected against both the "Under 21 Ban" and the "Large Capacity Magazine Ban", shortly.

The Firearms Policy Coalition has filed suit against AG Kathy Jennings asserting the unconstitutionality of the "Ghost Gun" bill, banning self-built firearms, precursor parts and "3D" files, signed in 2021.

# *2<sup>nd</sup> Am'dm't & Justice*

The DSSA temporarily suspended the sanctioning of the following State Championship Matches:

- Service Rifle Matches as defined by NRA Rule 3.1;
  - NRA Mid-Range (Prone) Tactical (AR) as defined by NRA Rule 3.3.3; and
  - All other competitive shooting events where semi-automatic, magazine-fed rifles are customarily used and authorized for use in such matches under the Rules of the National Rifle Association of America.
- **HB423** was passed/signed with bi-partisan support to restore the Firearm Background Check process to State control.
  - **HB388** was passed/signed with bi-partisan support to authorize and fund hiring and retention of school constables (aka “school resource officers”).
  - **SS1 for SB3** “Permit to Purchase Handguns” – appears stopped

# *Pro-Life*

- Significant publicity from the US Supreme Court overturning Roe v. Wade, but **no direct impact on Delaware**. Statutes in place to preserve current access in Delaware.
  - **Current law allows abortion to the point of “fetal viability, as determined by the physician” – essentially, no limit.**
  - The decisions all move to the State level, going forward.
- **HB320** “Increased Access to Abortion Drugs”
    - Passed along party lines and signed by the Governor.
  - **HB140** “Assisted Suicide”
    - **Lacked support of even the House Democratic Caucus (following broad public outcry) and was never presented for a floor vote.**
    - 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
    - Stalled in Senate Committee
  - “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!
    - **Seaford ordinance was overturned on June 29 by the Delaware Court of Chancery, as a result of suit brought by AG Kathy Jennings.**
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# Equal Rights

- **HB155** “Re-definition of Sexual Orientation, Gender Identity and Disability across Delaware Code” – **no action in the 2022 session.**
- **HB199** “Amendment Relating to Equal Rights” – **no action**
  - Would extend 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. It would have to be passed in 2 consecutive sessions (2022-24 & 2024-26) to be accepted as an amendment.
- **SB227** “Fairness in Women’s Sports” – **stopped in committee by Sen. McBride & Dems**
  - 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.
- **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.
  - **Released from Committee, but never received a floor vote.**

# *Other Issues*

- **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.
  - HB371 was passed by both chambers, but **VETOED by the Governor!**
- **HB400** – “Protection of Sensitive Health Care Services” – **stricken in the House**
  - Would have allowed health services to be provided to minors, including abortions and “gender-affirming” drugs, without parental consent or awareness.
- **HB317** – “Medical Coverage for All Delaware Children”, tax-funded, DHSS-operated coverage program for all children not otherwise covered – **stalled** in House Appropriations Comm.
  - Includes estimated 5000 illegal immigrant children
  - Released from House Health & Human Development committee with “bipartisan” support apparent.

# *Other Issues*

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- The Delaware Senate met today (7/25) to consider **Senate Concurrent Resolution 128**, which would give State Auditor Kathy McGuinness **formal notice of an upcoming hearing on her removal from office** under the Delaware Constitution.
- A Kent County Superior Court jury on July 1 found **McGuinness, a Democrat elected in 2018, guilty of three misdemeanor counts of conflict of interest, official misconduct and structuring a contract with a consulting firm to avoid compliance with state procurement rules**. McGuinness was acquitted of felony charges of theft and witness intimidation.



# *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.**
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