

LEGISLATIVE UPDATE

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

First session of the 2-year , 152nd General Assembly, convening 1/10/2023 and ending 6/30/2023.

Legislative Awareness Working (LAW) Group – April 2023

Voting, Budget & Admin

- Voting Changes

- **SB3** "Constitutional Amendment to Eliminate Limitations on Absentee Ballots", allows for no-excuse absentee voting.
- **HB43** "Allow Independent Voters to Vote in Primary" – 170K Independent voters. Would not allow crossover voting. **No Action.**
- **SB26** "Constitutional Amendment (2nd Leg) to Update Minimum Voting Age to 18", this is a technical correction to align with the US Constitution and federal law. Introduced by Bryant Richardson. **Passed Senate, sent to House.**
- **SB79** "Term Limits for Legislators, AG, Insurance Commissioner, Auditor & State Treasurer" – 2 terms for state-wide offices, 4 terms for Senator, 7 terms for Representative.
 - **Sponsored by Sen. Buckson & Rep. Ramone**
- **HB77** "Constitutional Amendment Requiring General Assembly Members to Remain Domiciled in the Districts They Represent", 2nd leg of this amendment.

- Taxes

- **HB89** "Increase Standard Deduction for DE Taxes", includes increase in "refundable" earned income tax credit to 7.5%.
 - **Passed House 39-0**
- **HB36** was submitted by Rep. Bush (superceding **HB71**, previously submitted by Rep. Ramone). Reduces real estate transfer tax from 4% back down to 3%. **Moving through Committees.**
- **HB29** "\$750 Elderly Property Tax Credit", submitted by Rep. Hensley. **Moving through Committees.**
- **HB62** "Reassessments Every 5 yrs", assures taxation at "present fair market value."
- **HB42** "Eliminate 10% Increase Option for Property Taxes after Reassessment" – Tabled in committee.
- **HB67** "Realty Tax Exemption for 2nd Home Transaction in 12 Months" - Tabled in committee.

2nd Am'dm't & Justice

- **SCR12** "Declaring Gun Violence a Public Health Crisis"
 - Non-binding resolution that sets the foundation for future "gun control" legislation.
 - Passed in Senate (14-6, 1 abs) & House by voice votes.
- **SB2** "Permit to Purchase Handguns"
 - Recurrent training (within 5 years), fingerprinting & SBI background check required to exercise "right" to purchase a handgun. Many of these requirements are redundant with checks already in place for background checks at time of purchase. Valid for only 180 days, requiring renewal. Training vouchers available for low-income persons (200% poverty level).
 - Senate Judiciary Hearing, 12-2pm, 4/26.
- **Previous Legislation Passed in 2022 has Court Challenges**
 - HB450 – Preventing sale or possession of certain semi-automatic rifles and pistols (so-called "Assault Weapons") and SS1 for SB6 - Preventing sale or possession of ammunition magazines that have a capacity exceeding 17 rounds (so called "High Capacity" magazines) are being challenged by the DSSA in US District Court.
 - The District Court judge denied a petition for an injunction against implementing these bans.
 - HB451 – Eliminating sale of firearms to individuals 18-20 yo, in probable constitutional violation (legal adults having constitutional rights restricted) is being challenged in the Delaware Chancery Court.
- **HB50** "Mail Theft"
 - Class A misdemeanor under \$1500, Class G felony \$1500 or more. Bi-partisan support. Voted out of committee & on Ready List for House.

Pro- Life & Family

- **HB74** “Abrogates the Seal of Catholic Confession for Child Abuse/Neglect”
 - Mandatory Reporting by priests – even if learned in sacramental confession.
 - **No progress in committee**
- **SB59/SB58** “Government Control of Childcare Reimbursement Rates”
 - Establishes statewide wage for childcare rate for providers in Kent & Sussex that mirrors New Castle County rates. Eliminates childcare co-pay for 200% of the poverty level (as was done during COVID-19 emergency).
 - **Both assigned to Finance committee**
- **SB43** “Signs to Raise Awareness of Human Trafficking”
 - Introduced by Sen. Richardson, with bipartisan support.
 - **Assigned to Finance committee**
- **HCR28** “Atheist Awareness Day”
 - **Designates March 30th, 2023**
 - **Introduced by Morrison, co-sponsored by Sturgeon**
 - **Passed House in Voice Vote, Passed Senate 11 Yes – 1 No – 8 Not Voting – 1 absent**
- **HB70** “Elimination of the Death Penalty”
 - Establishes the penalty for first-degree murder that was committed after the person’s 18th birthday as life imprisonment without benefit of probation, parole or any other reduction.
 - **No progress in committee**
- **TBD** (Previous Session HB140) “Assisted Suicide”
 - Legislation was voted out of committee in the House, but did not make it to a floor vote. It is expected to be reintroduced.
 - 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.

Equal Rights

- **SB44** “Creation of the Office of New Americans”
 - Foreign-born individuals comprise 9% of the State’s population.
 - Creates a bureaucratic “office” to promote “attraction, retention and inclusion of immigrants and refugees.”
 - Increase immigrant access to English language instruction, connect them to legal services to assist with naturalization and reduce exploitation and fraud against immigrants.
 - **Voted out of Elections & Government Affairs and sent to Senate Finance.**
 - **Various Legislation is anticipated in the following areas:**
 - Re-definition of Sexual Orientation, Gender Identity and Disability across Delaware Code.
 - Extending existing language in the DE Constitution protecting immutable rights (sex, race, color and national origin) to include “sexual orientation, gender identity and disability” (fluid characteristics).
 - Requiring student athletes to compete on teams/sports associated with their biological sex. Females may compete in male sports, where a corresponding female sport is not available.
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Environmental Issues

- **“Zero-Emission Vehicle” Regulations**
 - Require a complete phase-out of combustion engine cars and light trucks, 2026-2035, as called for by an interstate compact tying Delaware to California’s regulatory model.
 - Hearings held in all counties (Millsboro 3/21, Bellefonte 3/23, Glasgow 3/28, Kent County 3/29, Newark 3/30). High turnout at first meeting (300+) – largely opposed.
 - Public Comment Period, 4/1-30. Virtual Public Hearing Scheduled 4/26 @ 6pm.
- **SB51 “Eliminating Single-Service Plastic Implements, Straws & Polystyrene Foam Containers”**
 - Prohibits polystyrene foam containers, single-service plastic coffee stirrers, cocktail picks or sandwich picks. Plastic straws only on request
 - Exemptions for fire companies, health-care providers, non-profit and religious organizations.
 - Passed Senate (14-5, 1 abs, 1 nv) and sent to House committee.

Other Issues

- **HB1 "Recreational Use of Marijuana"**
 - Removes all penalties for use or possession of one ounce or less of marijuana for those 21 or over.
 - Passed House 28-13, passed Senate 16-4. Governor has signaled intention for it to become law without his signature.
- **HB2 "The Delaware Marijuana Control Act"**
 - Regulates and taxes marijuana for recreational use in much the same manner as alcohol.
 - Passed House 27-13, passed Senate 15-5. Governor has signaled intention for it to become law without his signature.
- **HB41 – HA 1 "Digital Right to Repair Act"**
 - Requires availability of parts, documentation, tools and updates to a consumer or local repair shop for phones, electronic games, etc... Act excludes motor vehicles manufacturers and dealers and also does not apply to off-road, farm, construction, marine, yard/garden or other outdoor power equipment.
- **SB29 "Retiree Healthcare Benefits Advisory Subcommittee"**
 - Submitted by Ruth Briggs-King.
 - Reported out of committee in the House.
 - Addressing unfunded liability and prior proposal to shift all state retirees from current "Medigap" plan to a state "Medicare Advantage" plan.
 - Benefits Advisory Subcommittee met 3/22, 3/27, 4/3 & week of 4/17. Final meeting planned week of 4/24.
 - Expected to communicate recommendations by May 1st deadline.

In Closing

- Legislative Sessions run 2 years (representative term), so all bills that were not acted on in 2022 will have to be resubmitted in this Session and will start from the beginning.
- **Stay Informed and Stay Involved! Public involvement has an impact.**