

# *LEGISLATIVE UPDATE*

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

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

*Legislative Awareness Working (LAW) Group – June 2023*

# Budget & Admin

- **Joint Finance Committee Released FY2024 Budget @ \$5.61 Billion (+9.9%).**
  - General Fund revenues expected to decrease 3.8% in 2024 and rebound 2.5% in FY2025.
  - HB196, Supplemental bill pending for \$194.5 Million will ADD to this total.
- **Bond & Capital Improvements Bill @ \$1.41 Billion (-3.4%)**
  - Consideration pending in both chambers.
- **HB89 “Increase Standard Deduction for DE Taxes”**
  - Includes increase in “refundable” earned income tax credit to 7.5%.
  - Passed House 39-0, released from Senate committee. On Ready List.
- **HB36 “Reduces real estate transfer tax from 4% back down to 3% .**
  - Submitted by Rep. Bush (superseding **HB71**, previously submitted by Rep. Ramone).
  - Moving through Committees, now in Appropriations.
- **HB29 “\$750 Elderly Property Tax Credit”,**
  - Submitted by Rep. Hensley. Moving through Committees, now in Appropriations.
- **HB62 “Reassessments Every 5 yrs”**
  - Assures taxation at “present fair market value.”
  - Passed House 29-3 (5 NV, 4 Absent), passed Senate 17-2 (2 Absent). Awaiting Gov.
- **HB42 “Eliminate 10% Increase Option for Property Taxes after Reassessment”.**
  - Tabled in committee.
- **HB67 “Realty Tax Exemption for 2<sup>nd</sup> Home Transaction in 12 Months”**
  - Tabled in committee.
- **HB128 “Revision to State Tax Brackets”**
  - Establishing new brackets between \$60K-100K and above \$100K. Reported out of committee. On Ready List.
- **HB192 “Action of Single Digit Proficiency”**
  - 25 schools across the state have Language Arts or Math scores below 10% proficiency. This requires action in coordination with the Dept. of Education for short-term plan to address.
- **HB203 “Financial Literacy in High School”**
  - Requires a ½ credit course beginning for students who enter 9<sup>th</sup> grade in 2025-26.
  - Department of Education to submit report by 5/1/26.

# Voting

- **SB3** "Constitutional Amendment to Eliminate Limitations on Absentee Ballots"
  - Allows for no-excuse absentee voting. Passed Senate (15-5-1), sent to House and released from committee. **On Ready List.**
- **SB180** "Constitutional Amendment to Restore Voting Rights to Felons Upon Completion of Imprisonment"
  - "Imprisonment" does NOT include periods of work release, parole or probation.
  - **Additionally, addresses change of voting age to 18, aligning with US Constitution and federal law (SB26 by Richardson did the same, but was tabled in the House).**
  - Released from Senate Judiciary committee. **On Senate Ready List.**
- **HB43** "Allow Independent Voters to Vote in Primary"
  - 170K Independent voters. Would not allow crossover voting. No Action.
- **HB215** "Move Primary Election Date to April"
  - **4<sup>th</sup> Tuesday in April vs. 2<sup>nd</sup> Tuesday in September.**
  - **Passed House, sent to Senate Exec Committee.**
- **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. **No Action.**
- **HB77** "Constitutional Amendment Requiring General Assembly Members to Remain Domiciled in the Districts They Represent"
  - **2<sup>nd</sup> leg of this amendment. Passed both chambers, unanimously. Awaiting Governor's signature.**
- **HB96** "Reduce Voting Age for School Board Elections to 16"
  - Adds Driver's Learners Permit and school transcript to acceptable ID documents. Tabled in committee.

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

- **SB2** "Permit to Purchase Handguns"
  - Recurrent training (500 vouchers for low-income), fingerprinting & SBI background check. Valid for only one year. Passed Senate (15-6), assigned Appropriations committee in the House. Will NOT reach House floor.
- **SB85** "Eliminate CCDW Permit for Concealed Carry"
  - Would align Delaware with 27 other states recognizing "Constitutional Carry" rights.
  - Not released from committee.
- **HB167** "Funding for School Resource Officers"
  - Up to \$21 Million for 219 public schools in Delaware.
  - Assigned to Appropriations Committee, requiring Budget authorization.
- **HB201** "Restrictions on Firearms in School Zones"
  - Addresses some current gaps in law, but also expands restrictions.
- **HB202** "Restrictions on Firearms in Polling Places"
  - Overlaps with school zone restrictions, but applies to other polling locations.
- **HB205** "Revision to Law Enforcement Officer Bill of Rights"
  - Increased public visibility for disciplinary actions (previously confidential) and greater inclusion of community in the investigations.
- **HB224** "Narrow Delaware Definition of Firearm"
  - Aligns with federal criminal background check law. Passed unanimously in House, sent to Senate Judiciary committee.
- Previous Legislation Passed in 2022 has Ongoing Court Challenges
  - HB450 (Semi-auto/"Assault Weapons" ban), HB451 (Minimum age 21) and SS1 for SB6 (limiting capacity to 17 rounds/so called "High Capacity" magazines).

# Pro- Life & Family

- **HB74** "Abrogates the Seal of Catholic Confession for Child Abuse/Neglect"
  - 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-SA1** "Signs to Raise Awareness of Human Trafficking"
  - Introduced by Sen. Richardson, with bipartisan support. Watered down by substitute language.
  - Passed unanimously in both chambers and awaiting Governor's signature.
- **HS1 for HB110** "Taxpayer-Funded Abortion"
  - Provides for insurance and Medicaid coverage for abortions – without deductible or co-pay.
  - Assigned to the House Appropriations committee.
- **HB140** "Assisted Suicide"
  - Assumes correct medical diagnosis and does not require the signing physician to even know the patient! Mailing suicide drugs to residence for self-administration.
  - Reported out of committee (1 "unfavorable" vote) and placed on House Ready List.
- **HB150** "Universal Child Health Coverage"
  - Extend Medicaid coverage to children who are not otherwise covered, including those who are not documented.
  - Assigned House Appropriations committee
- **HB230** "Medical Experimentation, Sterilization and Mutilation of Children"
  - Allows Delaware to take emergency jurisdiction of a child that isn't able to obtain (for whatever reason) "gender affirming care."
  - Shields medical professionals from consequences of experimentation on children who want "gender transition."
  - Makes Delaware a sanctuary state for medical experimentation on children.
  - May not release from House committee this year.

# Equal Rights

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- **SB44** "Creation of the Office of New Americans"
  - 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.
- **SB97** "Delaware Code Revised to Use Gender Neutral Terms"
  - Near unanimous passage (Sen. Richardson opposed) and the Governor signed.
- **Various Legislation was anticipated in the following areas, but did not yet appear:**
  - 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.

# 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.
  - Seeing Federal regulations emerging from the EPA on a similar path (67% EV by 2032).
- **SB96 "Prevents DNREC Regulations from Restricting Sale of Internal Combustion Powered Vehicles"**
  - Similar bill, HB123, would require legislative consent to implement such regulations.
  - Neither bill has progressed from committee.
- **HR17 "Requesting DNREC to Pause on EV Regulations"**
  - Request to pause and evaluate the protocols (following EPA vs. California) was defeated 17-22.
- **SS1 for SB103 "EV Infrastructure Required for All New Residential Construction"**
  - Applies to all permits after 1/1/25.
  - Passed Senate (15-5), House Ready List
- **HB9 "All State-Owned Passenger & Light-Duty Vehicles to be Zero-Emission by 2040"**
  - Exemptions for law enforcement, Dept. of Education, school districts, charter schools and "take home" vehicles.
- **HB10 "Electric School Bus Program"**
  - Authorizes annual purchases through 2030.
- **HB12 "Electric Vehicle Rebate Program"**
  - EV's \$2500/Hybrid \$1000
  - Passed House 26-14, assigned to Senate Finance.
- **HB99 "Climate Change Solutions Act"**
  - Statutory targets for greenhouse gas emissions, with an interagency committee structure to consider climate change in all decision-making, rulemaking and procurement.
  - Passed House (27-13-1). Voted out of committee, sent to Senate Ready List.
- **HB220 "Constitutional Amendment Protecting Natural Resources"**
  - "Inherent and inalienable right to a clean and healthy environment."
  - State Branches, Agencies & political subdivisions designated as "trustees of the State's natural resources."
- **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
  - Passed Senate (14-5, 1 abs, 1 nv) and on House Ready List.

# Other Issues

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- **HB1** “Recreational Use of Marijuana”
  - Removes all penalties for use or possession of one ounce or less of marijuana for those 21 or over. (Disregarding Federal law, which remains.)
  - Passed House 28-13, passed Senate 16-4. Governor allowed enactment 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 allowed enactment without his signature.
- **SB29** “Retiree Healthcare Benefits Advisory Subcommittee”
  - Addressing unfunded liability and prior proposal to shift all state retirees from current “Medigap” plan to a state “Medicare Advantage” plan.
  - Law was passed and signed. Subcommittee reported recommendations on May 1<sup>st</sup> deadline.
    - Extended current Medicfill Medicare Supplement contract through June 30, 2024.
    - Committee will continue to meet and report by October 1, 2023.



# *In Closing*

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- The Legislature is entering the final legislative until the session ends on June 30<sup>th</sup>.
- Note that all bills remain active through the 2024 legislative year. This was the first half of the 152<sup>nd</sup> General Assembly.
- **Stay Informed and Stay Involved! Public involvement has an impact.**