

2024 LEGISLATIVE UPDATE

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

Second of the 2-year , 152nd General Assembly, convening 1/9/2024 and ending 6/30/2024.

Legislative Awareness Working (LAW) Group – April 2024

Highlight Issues

HB140, HA1 "Assisted Suicide" Passed in the House and Moves to the Senate

- Now is the time to write your Senators.

HS2 for HB140 "Taxpayer-Funded Abortions" Released from Committee

- Now is the time to write your Representatives.

HB346 – Gender Transition Surgery on Minors

- Erects legal protection for healthcare providers performing gender reassignment surgeries and related treatments. Bill is on the House Ready List.

HS1 for HB350 "Hospital Cost Review Board" Released from Committee

- Establishes state control of hospital budget and pricing.

SB2 "Permit to Purchase Handguns" Passed – STILL Awaiting Gov. Signature

- 2 year license with requirements essentially equivalent to "Concealed Carry" license.

SS1 for SB4 "Softening Sentencing & Probation Guidelines"

- Under consideration in Senate Finance – estimated annual costs of \$27M!

Local School Board Referenda & Upcoming School Board Elections

- Appoquinimink 2023 election FAILED, Second election 4/23. Brandywine, Red Clay & Colonial Operating & Capital Ref PASSED

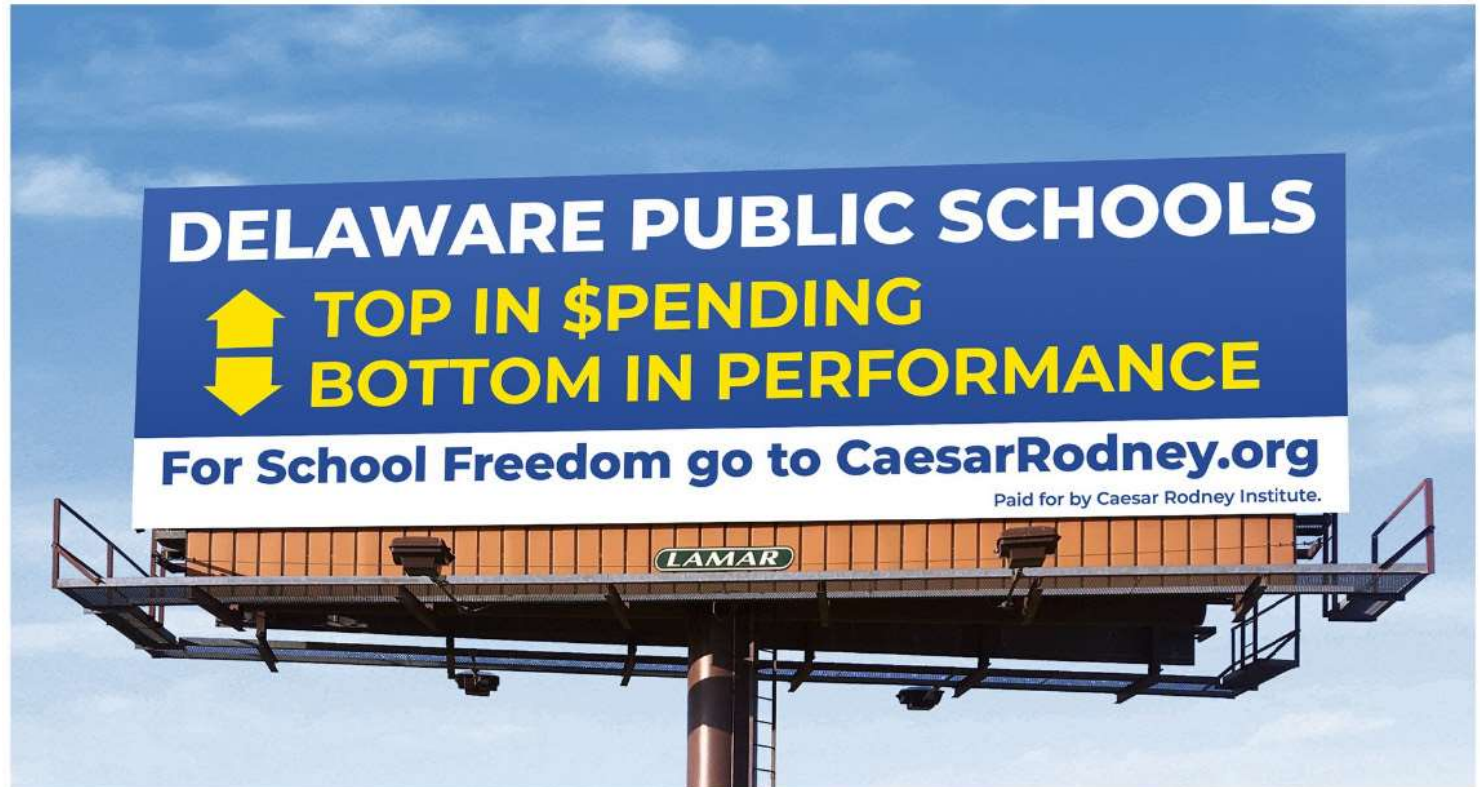
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Budget & Tax

- **HB29-HA1** "\$750 Senior Property Tax Credit"
 - Submitted by Rep. Hensley. Assigned to Appropriations in Apr. '23.
 - **HB234**, introduced by Rep. Ramone increases allowance to \$1000 for property <\$500K, but **not worked in comm.**
- **HB343** "Reduces real estate transfer tax from 4% back down to 3% in 0.25% increments over 4 years".
 - Introduced 3/12 by Rep. Yearick. Essentially replacing an earlier bill (HB36) that had not progressed.
 - **Assigned to Appropriations committee, but not worked.**
- **HB89** "Increase Standard Deduction for DE Taxes"
 - Passed House 39-0, released from Senate committee. On Ready List.
 - **Amended in Senate** and provisions to INCREASE the Standard Deduction were STRIPPED, leaving only an increase in "refundable" earned income tax credit to 7.5%.
- **HB128** "Revision to State Tax Brackets"
 - Establishing new brackets between \$60K-100K and above \$100K. Reported out of committee. **On House Ready List since May '23.**
- **HS1 for HB149** "Indexing Tax Brackets for DE Taxes"
 - Prevent tax rate increases due to cost-of-living increases.
 - Introduced 5/11/23, substituted 3/12/24 by Rep. Collins. **Insufficient signatures to release from committee.**
- **HB233** "Revise/Collapse Tax Brackets"
 - Introduced by Rep. Ramone, 6/16/23. **Motion to release failed.**
- **HB259/HB262** "Direct Purchase and Shipment of Beer, Wine & Spirits"
 - Modernize DE law to enjoy services already widely available elsewhere.
 - Introduced by Reps. Spiegelman & Smith. **Motion to release HB259 failed in committee.**
- **HB321** "Increase Personal Exemption for Lower Income Earning Individuals"
 - Introduced by Rep. Yearick, 3/5/24, but **not worked in committee.**
- **SB201- SA1** "Increase Military Pension Exclusion"
 - Introduced by Sen. Buckson on 1/4/24. Assigned to Executive committee, **but not worked.**

Voting

- **HB43** "Allow Independent Voters to Vote in Primary"
 - 170K Independent voters. Would not allow crossover voting. No Action (mirrors NH voting policy).
- **HB291-HA1, HA2** "Identifying Information on Campaign Contributions"
 - Originally, included primary employer and job title of each person contributing, but that was removed by House Amendment 2.
 - FOIA protection for informants on alleged campaign finance violations.
 - Introduced by Rep. Morrison and assigned to House Administration Comm.
- **Delaware Department of Elections is recruiting "Election Officers"**
 - Inspectors, Judges & Clerks for State Primary (9/10) and General Election (11/5).
 - Interestingly, positions are open to **16 year olds**, with parent/guardian signed application.
- **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 House Ready List.**
 - HA1 introduced 2/29, then stricken 3/7, giving explicit authority for early voting.
- **SB79** "Term Limits for Legislators, AG, Insurance Commissioner, Auditor & State Treasurer."
 - No Action.
- **SB180** "Constitutional Amendment to Restore Voting Rights to Felons Upon Completion of Imprisonment" – 1st Leg
 - Released from Senate Judiciary committee. **On Senate Ready List.**

2nd Am'dm't & Justice

- **SS1 for SB2** "Permit to Purchase Handguns"
 - Recurrent training (vouchers for low-income eliminated), fingerprinting & SBI background check. Valid for two years.
 - Heavy use of amendments during floor session to address concerns: 15 Senate amendments presented, 11 House amendments presented. 4 House amendments were passed – 1 by Rep. Spiegelman and 3 by originator of bill, Rep. Minor-Brown.
 - Passed House 23-16, Passed Senate 15-6 (no Republican votes in support). Bill continues to await Governor's signature.
- **SS1 for SB4** "Softening Sentencing & Probation Guidelines"
 - Shortens sentences by requiring concurrent sentencing, eases restrictions associated with probation, prohibits imposition of a condition of supervision that requires paying court fines, fees and other costs and provides reduction of the probation period through "earned compliance credits", etc.... Annual costs estimated at over \$27 million! Under consideration by Senate Finance Committee.
- **HB155** "Safe Vehicular Storage of Firearms"
 - Requires unattended storage in a locked container, locked glove compartment or locked trunk. Takes effect upon being signed into law
 - Passed House 24-13, Passed Senate (15-6), returns to House for vote incorporating SA1, eliminating exemption for CCDW holders.
- **HS1 for HB167** "Funding for School Resource Officers"
 - Up to \$21 Million for 219 public schools in Delaware, providing for at least 1 school resource officer in every school.
 - Assigned to Appropriations Committee, requiring Budget authorization.
- **HS1 for HB224** "Narrow Delaware Definition of Firearm"
 - Aligns with federal criminal background check law. Passed unanimously in House, sent to Senate Judiciary committee.
- **HB251** "Prohibiting Bail for Possession of a Firearm During a Felony"
 - 1st session proposal of a Constitutional Amendment.
 - Assigned to the House Administration Comm.
- **HS1 for HB270** "Ammunition For Sale Must Not Be Accessible Without Vendor Assistance"
 - Theft prevention measure driven by recent case involving losses at Cabela's.
 - Passed House 27-9 with bipartisan support. Assigned to Senate Judiciary Committee.
- **HB276** "Amendment to Prohibiting Carry in 'Recreation Zones'"
 - Technical follow-up to HB201 from last session
 - Passed House 35-3, Senate 15-6. Signed 3/7/24.
- **HB290** "SEED Scholarship Eligibility for Violent Felons"
 - Proposed by Rep. Morrison. Assigned to the House Education Committee, but not worked as of yet.
- **HB311** "Safe School Zone Offenses Extended to Colleges and Universities"
 - Title 11, Section 1457 requires an "underlying offense" for an adult, but prohibits possession by any juvenile. Application remains vague.
 - Proposed by Rep. Romer. Assigned to the House Judiciary Committee.
- **HB380** "Modification to Red Flag Law Provisions"
 - Extends time period to petition for a permanent order and extends time within which a hearing is required. Incremental expansions on this power.
- **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).

Parental Rights & Family

- **SB58/SB59** "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
- **HB216** "Police Entry to Enforce Custody"
 - Requires (vs. Allows) police entry under court orders.
 - Not worked in committee.
- **HB240** "Parental Rights on Counsel/Refuse Entry/Withhold Consent for Medical Exam"
 - Provides offsetting parental rights in custody cases.
- **HB230** "Advancing Medical Experimentation and Sterilization of Minor Children" (Stricken, replaced by HB346)
 - Would have allowed Delaware to take emergency jurisdiction of a child that isn't able to obtain (for whatever reason) "gender affirming care," making Delaware a sanctuary state for medical experimentation on children.
- **HB346** "Advancing Medical Experimentation and Sterilization of Minor Children"
 - Shields medical professionals from consequences of experimentation on children who want "gender transition."
 - Extends protections given to abortion providers in HB455, signed in 2022.
 - Released from Health & Human Development committee and placed on House Ready List.
- **HB374** "Medical Provider Protections for Fertility Treatment"
 - Further builds on the framework of HB455 to protect access to fertility treatments in the context of recent laws passed in other states that greatly restrict abortion-related procedures.
 - Assigned to House Judiciary Committee.
- **SB232** "Expand Contraceptive Coverage Laws to Include Over-the-counter, Non-emergency Contraceptive Pills"
 - Consistent with recent FDA approval.
 - Passed Senate 21-0, assigned to House committee.

Life & Health

- **HS2 for HB110** "Taxpayer-Funded Abortion"
 - Provides for insurance and Medicaid coverage for abortions – without deductible or co-pay.
 - HS1 limited referrals, prior authorization, etc.. "to ensure full and timely access to covered services."
 - HS2 caps the benefit at \$750/year/covered individual.
 - Released from House Appropriations committee and placed on the House Ready List.
- **HB140, HA1** "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.
 - HA1 extends the implementation deadline by 1 year to July 1, 2025.
 - Passed the House 21-16 (required minimum for passage), assigned to Senate Executive Committee.
- **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
- **HS1 for HB162** "Composting of Human Remains"
 - Provides for composting as an eco-friendly alternative to cremation.
 - Passed House 37-2, Passed Senate 14-7 and awaiting Gov. signature.
- **HS1 for HB242** "No Patient Left Alone"
 - Prevent the situation of denied visitation that occurred during COVID shutdown.
 - Passed House 28-13, assigned Senate Health & Social Services Comm.
- **HB285** "Relaxing Medical Marijuana Licensing Requirements"
 - Removes requirement for "debilitating medical condition." Allows self-certification for patients aged 65 and older. Extends expiration dates up to 3 years (indefinite period for terminal patients).
 - Passed House 26-10, passed Senate 16-5. Awaiting Gov.
- **HB301** "Constitutional Amendment to Prohibit Imposition of the Death Penalty"
 - 1st leg of the Constitutional Amendment process.
 - Out of committee and on House Ready List.
- **HB355** "Legal Protections for Financial Institutions Providing Services to Cannabis-related Businesses"
 - Passed House 38-0, assigned to Senate comm.

Equal Rights

- **HB275** "Expand Sexual Orientation Definitions Throughout Delaware Code"
 - Proposed by Rep. Morrison, adding "asexuality" and "pansexuality" to the gender definitions across Delaware law.
 - Passed the House, 21-15, and assigned to Senate Health & Social Services Comm.
- **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.

Various Legislation was anticipated in the following areas, but has not yet appeared:

- Further 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.

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.
 - See identical regulations appearing in NJ.
 - Federal regulations emerging from the EPA delayed implementation by 2 years (57% EV by 2032).
- **HB123** "Requires DNREC to Obtain Consent Before Promulgating Regulations Restricting Sale of Internal Combustion Powered Vehicles"
 - Passed 21-20 in a hard-fought legislative battle. It moves to Senate Committee.
 - Part of Republican initiative to give citizens a voice in the one-sided rulemaking process and place a check on unfettered use of emergency powers
 - Ensure General Assembly oversight and give citizens a voice in State Regulations.
- **HB9-HA1** "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.
 - Assigned to House Appropriations committee.
- **HS2 for HB13** "Financial Assistance for Electric Vehicle Supply Equipment"
 - Subsidizes up to 90% of cost, if under 300% of poverty level, and 50% for others.
 - Passed House 21-13. Assigned to Senate Env'm't, Energy & Transportation Committee.
- **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."
 - On House Ready List.
- **SB263** "Eliminate Beverage Container Rings, Plastic Tops & Wraps"
 - Legislation to further the State's "sustainability" goals.
 - Assigned to Senate Env'm't, Energy & Transp. Comm.
- **SB265** "Facilitating Wind Energy Purchases"
 - Authorizes processes to meet net-zero goals of Climate Change Solutions Act of 2023.
 - Authorizes purchase of 800-1200 MW, with a price no more than 110% of "Delaware Benchmark Price" (average price for power AND renewable energy compliance over the past 3 years).

Education

- **HS1 for HB66** “School Performance Card”
 - Accessible performance reports on the Dept of Ed website for all schools, including proficiency rates.
 - Passed House 39-0, on Senate Ready List.
- **HS1 for HB203** “Financial Literacy in High School”
 - Requires a ½ credit course beginning for students who enter 9th grade in 2025-26. Department of Education to submit report by 5/1/26.
 - **On House 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.
 - Passed House 39-0, on Senate Ready List.
- **HS1 for HB244** “Full-Time Athletic Trainers in All High Schools”
 - Phased in funding through 2027.
 - Added HA-1, to Appropriations.
- **SB69** “Amend Childcare Law to Exempt Sectarian/Religious Institutions”
 - SB169 takes effect July 1, 2024 and expanded scope to be inclusive of religious early education programs.

Admin

- **HB237** "Expand Delaware Supreme Court to 7 Justices"
 - 1st leg Constitutional Amendment would require at least 2 justices from each county. Bill is in response to a consent judgment against Gov. Carney (State of DE) in District Court.
 - Assigned to House Appropriations Comm.
- **HB245** "General Assembly Role in a Protracted Emergency Response"
 - Address Governor's unrestricted use of emergency powers, informed by the pandemic experience.
 - Not enough signatures to release.
- **HB261** "Office of Legal Ethics in the Legislature"
 - Mechanism to accept and investigate potential violations of the Delaware Constitution, statutes, regulations or alleged conflicts of interest by members of the General Assembly.
 - Introduced by Rep. Michael Smith.
- **HB281-HA3** "Repeal Option of Medicare Advantage Plan for State Retirees"
 - Provides for continuation of Medicare Supplement Plan for State Retirees, closing out the battle from last year.
 - HA3 provides that "the coverage may include a plan under Medicare part C" for "eligible pensioners first hired on or after January 1, 2025."
 - Passed House 40-0, assigned to Senate Executive Committee.
- **HS1 for HB350** "Diamond State Hospital Cost Review Board"
 - Responsible for review and approval of annual hospital budgets beginning 2026 – essentially state control of hospital operations and pricing.
 - Released from committee and on House Ready List.
- **SS1 for SB21 "Non-Partisan, Office of the Inspector General"**
 - Investigate management and operation of state agencies (including the General Assembly) for cases of fraud, mismanagement, corruption or abuse of governmental resources.
 - Assigned to Senate Finance Committee.

In Closing

- Note that this is the 2nd half of the 152nd General Assembly and all bills not acted upon in 2023 remain active.
- **Stay Informed and Stay Involved! Public involvement has an impact.**