

2024 LEGISLATIVE SESSION RE-CAP

*Overview and Insights into Bills Passed and Stopped
in the Just Completed 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 – July 2024

Highlight Issues

HB140, HA1 "Assisted Suicide" Passed the House, Passed Senate w/ Reconsideration

- Senate passed 11-10 on second vote. **Governor action pending (possible VETO)**

HS2 for HB110 "Taxpayer-Funded Abortions" Passed the House, Passed the Senate

- Passed House 26-11, Senate 15-6, **pending Gov. action (w/ strong VETO movement)**

HB346 – "Gender Transition Surgery on Minors" Did NOT Pass – **No Vote Held**

- Erects legal protection for healthcare providers performing gender reassignment surgeries and related treatments. Bill was never brought to the House floor for a vote.

HB275 – "Asexual/Pansexual Protections Added to Delaware Law" **Passed, Awaiting Gov.**

- Expands "sexual orientation" definition across Delaware law.

HS1 for HB350 "Hospital Cost Review Board" Passed, **Signed by Governor, 6/13**

- Establishes state control of hospital budget and pricing.

SS1 for SB2 "Permit to Purchase Handgun" Passed, **Signed by Governor, 5/16**

- Passed Senate 15-6, House 23-16. Immediately challenged by DSSA lawsuit!

HB155 w/ amendm'ts "Firearm Storage in an Unattended Vehicle" **Passed, Awaiting Gov.**

- Passed Senate 15-6, House 24-13. Chaotic process with amendments and multiple votes.

Marijuana/Cannabis Laws Were Liberalized (HB285 signed 5/28, HB355 awaits Gov.**)**

- Relaxed licensing, self-certification for medical (over 65) and protect financial institutions.

Republican Bills to Reduce Tax Burdens Were Consistently Stalled in Committee

Assembly Stats

The House Introduced/Processed

- 532 Bills, 203 Resolutions & made 269 Amendments to Bills

The Senate Introduced/Processed

- 390 Bills, 238 Resolutions & made 151 Amendments to Bills

Combined, they oversaw 1783 pieces of legislation!

- 40 pieces/day over a 45 “Legislative Day” General Assembly session.

Passed the following funding for Fiscal 2025:

General Budget of \$ 6.1 Billion (+9%) + \$168 Million “Supplemental” (-14%)

(FY2019 Budget was \$4.27 Billion)

Capital & Bond Bill of \$ 943.7 Million (-33%)

Grants-in-Aid of \$98.5 million (+37%)

Budget & Tax

- **HB29-HA1** "\$750 Senior Property Tax Credit" and **HB234** "Up to \$1000 Senior Property Tax Credit"
 - Submitted by Rep. Hensley and Rep. Ramone, respectively. **Neither were ever worked in committee.**
- **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. **Not worked in committee.**
- **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.**
- **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.**
- **SB166** "Third-Party Delivery of Alcoholic Beverages"
 - Passed Senate 18-3, passed House 34-2, awaiting Gov.
- **HB259/HB262** "Direct Purchase and Shipment of Beer, Wine & Spirits"
 - Introduced by Reps. Spiegelman & Smith. **Motion to release HB259 failed in committee. HB262 not worked in committee.**

Voting

- **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.
 - Passed House 41-0, passed Senate 21-0. Awaiting Gov signature.
- **HB400** "State/County/Municipal Primary Elections to 4th Tuesday in April"
 - Appropriate adjustments have been made to all dates for filing and withdrawing candidacy.
 - Passed House 40-0, stopped in Senate Exec 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"
 - De facto vote-by-mail.
 - Passed Senate (15-5-1), failed to pass in House by 2 votes (25-10-6NV) – our Republican front held firm. Traditional absentee voting is unchanged.
- **SS1 for SB180** "Constitutional Amendment to Restore Voting Rights to Felons Upon Completion of Imprisonment" – 1st Leg
 - Released from Senate Judiciary committee. Never brought to a Senate vote.
- **HB316** "Election Crime of Using Deep Fake Tech"
 - New elections crime for distributing deep fake technology with in 90 days to influence an election.
 - Passed House 40-1, Senate 21-0, awaiting Gov.
- **HB320** "Reinstate 10 Days of Early Voting"
 - No action needed, as Delaware Supreme Court restored early voting and permanent absentee.
 - Held in House Administration Committee.
- **HB344** "Eliminate Ballot Position Bias"
 - Proposed by Rep. Ramone.
 - Died in House Administration Committee.

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 was signed by Governor – immediately met with a DSSA lawsuit.**
- **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).
- **SS3 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! **Never sent to Senate for a vote.**
- **HB155, w/ various am'dm'ts** "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), awaits Gov. action.**
- **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.
 - **No action in 2024 – died in Appropriations Committee of House.**
- **HB357 supercedes HS1 for HB224** "Delaware Definition of Firearm"
 - Addresses concerns about "slingshots" and "paintball" devices, etc... Aligns with federal criminal background check law. Passed House 37-4, Senate 21-0. **Awaits action of Gov.**
- **HB251** "Prohibiting Bail for Possession of a Firearm During a Felony"
 - 1st session proposal of a Constitutional Amendment.
 - Assigned to the House Administration Comm. **No action in 2024.**
- **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, passed Senate 15-6. Awaiting Gov. signature.**
- **HB276** "Amendment to Prohibiting Carry in 'Safe School and Recreation Zones'"
 - Technical follow-up to HB201 from last session
 - **Passed House 35-3, Senate 15-6. Signed 3/7/24.**
- **HB311-HA1** "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.
 - **Passed House 24-26, passed Senate 15-6. Awaiting Gov. signature.**
- **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. **Not Worked in committee.**

Parental Rights & Family

- **HB230** “Advancing Medical Experimentation and Sterilization of Minor Children” (Stricken, replaced by HB346)
 - Would have allowed Delaware to take emergency jurisdiction of a child, 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.
 - Not brought to the House floor for a vote.
- **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.
 - Passed House 29-11, passed Senate 20-1. Awaiting Gov. Signature.
- **SB232** “Expand Contraceptive Coverage Laws to Include Over-the-counter, Non-emergency Contraceptive Pills”
 - Consistent with recent FDA approval.
 - Passed Senate 21-0, passed House 34-5. Awaiting Gov. signature.
- **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 died in Senate Finance committee
- **HB216** “Police Entry to Enforce Custody”
 - Requires (vs. Allows) police entry under court orders.
 - Not worked in committee.

Life & Health

- **HS2 for HB110** "Taxpayer-Funded Abortion"
 - Provides for insurance (only 9 states do this) and Medicaid coverage (17 states do this) for abortions – without deductible or co-pay. HS2 caps the benefit at \$750/year/covered individual.
 - HS1 limited referrals, prior authorization, etc.. "to ensure full and timely access to covered services."
 - Passed by House 26-11, passed Senate 15-6. Awaiting Gov. action. (Strong Veto movement)
- **SB301** "Chemical Abortions Via Student Health"
 - Medication for termination of pregnancy and emergency contraception ("morning after" pills) to be distributed by college/university health.
 - Passed Senate 14-6, passed House 24-16. Awaiting Gov. action.
- **SB300** "Crisis Pregnancy Center Signage"
 - Requires pregnancy centers to provide notice if "the center is NOT licensed as a medical facility by this state and doesn't have a licensed medical provider."
 - Passed Senate 14-6, House 23-15. Awaiting Gov.
- **HB140, HA1** "Assisted Suicide"
 - Mailing suicide drugs to residence for self-administration.
 - Passed the House 21-16 (required minimum for passage), passed Senate 11-10 on reconsideration.
- **SB317** "Requirement to Offer Women Ultrasounds Prior to Abortion"
 - Removes requirement for an ultrasound or to hear the baby's heartbeat.
 - No action allowed in Senate committee.
- **HB301** "Constitutional Amendment to Prohibit Imposition of the Death Penalty"
 - 1st leg of the Constitutional Amendment process.
 - Defeated in House 24-15 (req. 2/3's)
- **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. Signed by Gov. 5/28.
- **HB355** "Legal Protections for Financial Institutions Providing Services to Cannabis-related Businesses"
 - Passed House 38-0, Senate 16-5. Awaiting Gov. action.
- **HCR160** "Urging Establishment of a Medical School in Delaware"
 - Passed House voice vote, Senate 20-0.

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. Where does this stop?
 - Passed the House, 21-15, passed Senate 14-7. Ready for Gov. action.
- **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.
 - Stalled in 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. Moved to Senate Committee, but no action in 2024...
 - 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.
 - Passed House 23-14, passed Senate 16-5. Awaiting Gov.
- **HB422** "Environmental Impact Statements for Facilities or Expansions in an 'Overburdened Community'"
 - Potential to restrict growth and opportunity in high poverty, underprivileged communities.
 - Introduced by Rep. Kendra Johnson (RD5). No Action.
- **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, passed Senate 15-6. Awaiting Gov action.
- **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."
 - Died without a House vote being held.
- **SB265-SA1, SA2** "Facilitating Wind Energy Purchases"
 - Authorizes processes to meet net-zero goals of Climate Change Solutions Act of 2023 - yet violates pricing caps previously established.
 - 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).
 - Passed the Senate 15-6, passed House 25-15. Awaiting Gov.

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, died on Senate 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, died on Senate Ready List.
- **HB200** "School-Based Mental Health Services"
 - Phased in over 3 years.
 - Passed House 39-0, passed Senate 39-0. Awaiting Gov. action.
- **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.
 - Died in committee, after multiple amendments.
- **HS2 for HB244** "Full-Time Athletic Trainers in All High Schools"
 - Phased in funding through 2028.
 - Died on House Ready List – no vote.
- **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.
 - No action on bill – died in Senate committee.
- **SJR7** "Modernize Office of Child Care Licensing Record System"
 - Digitizing an obsolete system for pre-K and similar childcare settings.
 - Died on Senate Ready List – no vote.
- **SB294** "Update/Increase Compensation for OCCL Staff"
 - Concern related to increasing costs of private pre-K childcare providers, as a future path to public supply of pre-K services.
 - Died in Senate Finance committee.
- **SB295** "Strengthen the Process for Service Letters Related to Prior Childcare Employment"
 - Passed Senate 20-0, passed House 40-0. Awaiting Gov. action.

Admin

- **HS2 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. "Compromise" changes reduced healthcare opposition, but...
 - Passed House 24-16, passed Senate 14-7. Signed by the Governor.
- **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.
 - Died in 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 – died in Administration committee.
- **HB375/HB376/HB377** "Various Revisions of Benefits for State Retirees"
 - State portion of premiums, coordination of benefits for retirees or spouses with private sector coverage, etc...
 - All passed unanimously & await Gov. Signature.
- **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, passed Senate 20-0 (with amendment), then passed House 39-0. Enacted without Gov. signing.
- **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.
 - Died in Senate Finance Committee.
- **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.
 - Intro by Rep. Michael Smith, 7/2023 - no action in 2024.
- **HB399** "Create Department of Veterans Affairs"
 - Headed by cabinet-level Secretary and derived from the existing Commission on Veterans ' Affairs under the Department of State.
 - Died in House Appropriations Committee.

In Closing

- Note that this is the 2nd half of the 152nd General Assembly and any bills not acted upon in 2024 will have to be reintroduced for future consideration.
- **Stay Informed and Stay Involved! Public involvement has an impact.**