

2009

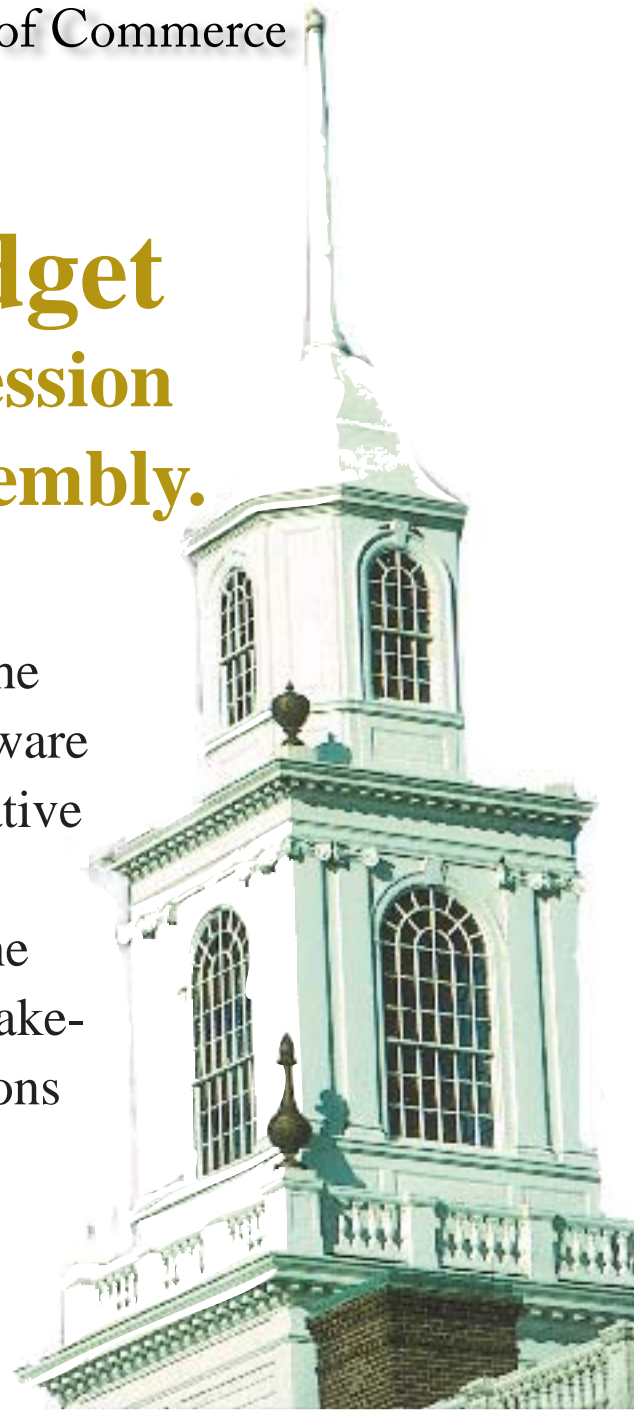


Legislative Wrap-up

Delaware State Chamber of Commerce

Betting on the Budget best describes the final session of the 145th General Assembly.

Like most states around the nation, Delaware has been deeply affected by the national economic downturn. The Delaware State Chamber believes that it is imperative for all citizens of the state, from the Governor to the General Assembly to the business community, and every other stakeholder, to work together to make decisions that lead Delaware forward.



Victories

Taxes

SB 62, HB 191, HB 228

These bills create a tax check-off for Delaware taxpayers to designate contributions to the 21st Century Fund for Delaware's Children, Inc, Delaware Chapter of the National Multiple Sclerosis Society Fund, and the Delaware Ovarian Cancer Education and Research Fund respectively. The use of contributions will be restricted locally by the Delaware Chapter to benefit Delaware residents.

Education

SB 68 - Education Benchmark and Progress

This bill replaces the Delaware Student Testing Program with a series of tests beginning in the 2010-2011 school year that would be administered in each grade level 2 through 10. The tests will be given at the beginning of the school year and at least one more time later in the year. This bill will allow parents, teachers, and the state to assess student progress as well as provide benchmarks for students, schools, and district achievement.

SB 151 - Educational Achievement Award

SB 151 creates a pilot Academic Achievement Awards program that uses federal stimulus money to financially reward schools that close the achievement gap and exceed adequate yearly progress for children who are likely to succeed in school and those who are at higher risk of failing. The awards will be based on yearly progress for two or more consecutive years and focus on schools that have high percentages of economically disadvantaged students.

HB 102 - Teach For America

This legislation enables the implementation of the Teach For America program and teacher residency programs on a state-wide basis. The mission of Teach For America and teacher residency programs is to enlist our nation's most promising future leaders in the movement to eliminate educational inequity. Teach For America recruits recent college graduates and professionals to teach for two years in low-income communities throughout the United States and now with this legislation, in Delaware communities.

HS 1 for HB 119 - Public Education School Flexibility

This Bill takes several steps targeted at allowing local schools and districts to make better decisions at the local level to educate students. The Bill gives schools more flexibility to spend tax dollars on the education of students, and establishes safeguards to ensure responsible spending. The Bill also creates a process for local schools and districts to seek relief from rules and procedures that impede their ability to properly educate students, allowing local districts to make earlier job offers to teachers and help them recruit and retain the best teachers in our region, and eliminates caps and allows the tailoring of resources that districts can dedicate to some students with disabilities.

SB 149 - Nonpublic Educational Employee Standards

This establishes license denial and revocation standards for nonpublic school teachers, specialists, and administrators that are consistent, to the extent possible, with the denial and revocation licensing standards of public school employees.

Consumer Protection

SB 108 - Title Loan Protection

SB 108 provides protection for consumers of a short-term loan product commonly known as a title loan, under which a borrower provides a motor vehicle as collateral for the loan. This bill establishes rules and regulations in terms of loan agreements, interest rates, lender's recourse, and default agreements. The bill also applies an annual high-cost loan license fee surcharge for each licensed office. The proceeds from these fees will fund the Financial Literacy Education Fund, which funds financial literacy education programs for consumers and in our schools.

SB 145 - Financial Audits

This Act provides amendments to the State Banking Code to clarify the State Bank Commissioner's authority to examine financial institutions for compliance or non-compliance with statutes or regulations of Delaware and the United States. SB 245 also

allows the State Bank Commissioner the authority to revoke a license for any violation of statutes or regulations.

HB 232 - Unsecured Debt Management

HB 232 clarifies that the Debt Management Services Act is intended to regulate providers who negotiate terms related to an individual's unsecured debt. Businesses offering to negotiate modification of mortgage loans on behalf of individuals with homes in foreclosure are required to comply with provisions and rules of the "Mortgage Rescue Fraud Protection Act."

HB 149 - Loan Modification Service Protection

This legislation limits the compensation that may be received by mortgage loan brokers and licensed lenders who engage in mortgage loan modification services for homeowners. This guarantees protection for homeowners so they receive fair price service when they go to refinance or modify their loans. The demand for these services has increased greatly as a result of the economic downturn.

Corporations

SB 82, HB 142 - LLC Act

These bills update the Delaware Limited Liability Company Act to keep it current and maintain its national preeminence.

Energy & the Environment

SB 85 - Renewable Energy Metering

This legislation establishes net energy metering that will allow customers to apply credits earned from excess generation of renewable energy to future utility bills to offset a customer's consumption.

SB 106 - Energy Efficiency Goals

This Act creates Energy Efficiency Resource Standards and sets goals for consumption and peak demand for electricity and natural gas utilities in Delaware. The goals are 15 percent electricity consumption savings and 10 percent natural gas consumption savings by 2015.

Victories

SB 129 - Farm Irrigation System

This bill deals with irrigation systems for farmers and permits farmers to accept reclaimed water through irrigation systems.

SB 153 - Electric Grid Powered Vehicles Technology

This legislation prepares Delaware for electric grid powered vehicles. This technology provides electrical storage and other services to the grid; it does not generate new power and thus over time will not receive a net credit due to net metering, but offers the new technology needed for energy efficient vehicles.

SB 173 - Sustainable Energy Utility

This act updates and clarifies Delaware's Sustainable Energy Utility (SEU) law. The goal of the SEU programs is to design and achieve energy savings and promote green energy. The updated law within SEU deals with renewable energy credits and solar renewable energy credits, as well as bond liability.

HS 1 for HB 70 - Bans Restrictions on Wind Mills

This bill bans the use of covenants or other restrictions to prohibit the installation of wind systems in Delaware and sets minimum requirements for such operations.

SB 72 - Renewing the Water Supply Coordinating Council

SB 72 renews the Water Supply Coordinating Council. The Water Supply Coordinating Council focuses on updating water availability, water demand projections, and achieving the goal of water supply self-sufficiency. The Water Supply Coordinating Council has been praised by the Governor and the Secretary of DNREC as being the most effective public-private organization that has ever functioned in Delaware. The Delaware State Chamber of Commerce currently has a seat on the Council.

Non-Profits

SB 155 - Non-Profit Trusts

This bill deals with the trusts of non-profit organizations. The bill will offer additional estate planning alternatives that could benefit the non-profit community and will align Delaware law with FDIC insurance regulations, including the types of beneficiaries now permitted on Totten Trust accounts for purposes of FDIC insurance coverage.

Labor

SB 156 - Extended Unemployment

This legislation satisfies federal requirements for the state's unemployment insurance program. This law provides weeks of extended unemployment benefits to states experiencing high levels of unemployment, as defined

by certain unemployment rate triggers.

HB 170 - Unemployment

This legislation relates to the rules and laws of unemployment compensation and is the requirement for the unemployment insurance federal stimulus bill.

SB 121 - Expansion of Anti-Discrimination Legislation

This legislation would forbid discrimination against a person on the basis of sexual orientation in housing, employment, public works contracting, public accommodations, and insurance. In addition, this Act would establish that the Superior Court, in the first instance, would hear and adjudicate alleged

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Anti-Business Legislation Derailed

- ✓ SB 80 - State-wide Health Information Network.
- ✓ SB 120 – Would require health care coverage for part-time employees.
- ✓ HB 18 - Elimination of Employment at Will.
- ✓ HB 29 - Workforce Housing Restrictions.
- ✓ HB 144 – Allows agencies receiving a bid or contract to require a processing fee.
- ✓ HB 173 – Disclosure for workforce housing in New Castle County.
- ✓ HB 231 – Code relating to employment practices that grants parent's unpaid leave for attending children's education events.
- ✓ HB 234 – Taxes on vessel-to-vessel transfers of petroleum products.
- ✓ HB 247 – Adds new administrative powers to give the Director of the Consumer Protection similar authority to what is provided to the Securities Commissioner.

(Victories, continued)

criminal violations under the Act of equal accommodations, fair housing and employment discrimination.

SB 38 - Workers Compensation Update

In an effort to keep the new workers compensation statute up to date the Health Care Advisory Panel (HCAP) and the Department of Labor offered this “housekeeping” bill for the Workers’ compensation medical payment system.

Gambling

HB 100 - Sports Betting

This bill reestablishes a sports lottery, which will enhance the Delaware Lottery, protect Delaware employment, help Delaware and its lottery meet new competition, and provide additional revenues for the State. This bill takes advantage of an exemption granted to the State of Delaware under federal law, namely the Professional and Amateur Sports Protection Act, which allows the states of Delaware, Nevada, Oregon, and Montana to engage in sports betting. It’s estimated that sports betting will generate about \$50 million annually for Delaware. In August, a three-judge panel of the third circuit court panel ruling has limited Delaware’s sports betting to parlay bets on NFL games. The state is appealing this decision.

Health care

SS 1 for SB 35 - Review of Health Insurance Premiums

This Act would grant the Delaware Insurance Department the same ability to review health insurance premium rates that it now has for auto insurance, homeowners insurance, and all other lines of property and casualty insurance.

Tax Package

HS 1 for HB 260 – Taxation of lottery winnings.

HS 1 for HB 262 – Increases the current State surcharge on each document or paper recorded or filed with the county recorders.

HS 1 for HB 263 – Increases fire marshal fees for plan reviews, permits, license and certificates.

HS 1 for HB 264 – Increases Personal Income Tax.

HB 1 for HB 267 – Various fees and taxes charged by the Secretary of State.

HB 286 – Increases fees for vital certificates.

HB 288 – Increases tax rates on public utilities other than cable television.

HB 289 – Increases gross receipts tax rates.

HB 291 – Reintroduces Estate Tax.

Disappointments

SB 7 - Eminent Domain Restrictions

On Apr 09, 2009, the Governor signed SB 107 relating to eminent domain restriction. This Bill defines the term “public use” for which state, county, or municipal governments’ authority is limited to for eminent domain. The Bill specifically states that benefits derived from economic development do not constitute a public use. The Bill also details notice and court procedures for asserting eminent domain and public use.

SB 28 - Holding the Line on Prevailing Wage for Ed Projects

This legislation would ensure that prevailing wages for school district construction projects shall be no higher than the prevail

ing wages in effect at the time of the passage of the referendum. However, SB 28 never made it out of the Senate Labor & Industrial Relations Committee.

HB 201 - Beverage Containers

In July, the Governor vetoed this bill that would have eliminated Delaware’s “bottle bill” enacted in the mid-1980s to encourage recycling. The “bottle bill” provides a 5 cent-rebate for consumers who return certain beverage bottles, such as soda bottles, to stores that sell them. However, the law seems outdated and ineffective as many Delaware residents now participate in curbside recycling programs offered by the Delaware Solid Waste Authority.



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