

## **Senate Executive Committee Meeting**

**Official Minutes  
151<sup>st</sup> General Assembly  
First Session**

**Committee Meeting  
Wednesday, June 30, 2021  
11:00 a.m.  
Virtual Zoom Meeting**

### **Meeting Attendance**

#### **Committee Members Present:**

Senator David Sokola, Chair	<a href="mailto:David.Sokola@delaware.gov">David.Sokola@delaware.gov</a>
Senator Bryan Townsend, Vice-Chair	<a href="mailto:Bryan.Townsend@delaware.gov">Bryan.Townsend@delaware.gov</a>
Senator Elizabeth Lockman	<a href="mailto:Elizabeth.Lockman@delaware.gov">Elizabeth.Lockman@delaware.gov</a>
Senator Stephanie Hansen	<a href="mailto:Stephanie.Hansen@delaware.gov">Stephanie.Hansen@delaware.gov</a>
Senator Gerald Hocker	<a href="mailto:Gerald.Hocker@delaware.gov">Gerald.Hocker@delaware.gov</a>
Senator Brian Pettyjohn	<a href="mailto:Brian.Pettyjohn@delaware.gov">Brian.Pettyjohn@delaware.gov</a>

#### **Absent: None**

#### **Staff:**

Valerie McCartan (Senate)	<a href="mailto:Valerie.McCartan@delaware.gov">Valerie.McCartan@delaware.gov</a>
Taylor Hawk (Senate)	<a href="mailto:Taylor.Hawk@delaware.gov">Taylor.Hawk@delaware.gov</a>
Deanna Killen (Senate)	<a href="mailto:Deanna.Killen@delaware.gov">Deanna.Killen@delaware.gov</a>
Read Scott (Senate)	<a href="mailto:Read.Scott@delaware.gov">Read.Scott@delaware.gov</a>
Keri Rapa (Senate)	<a href="mailto:Keri.Rapa@delaware.gov">Keri.Rapa@delaware.gov</a>
Carolyn Martin-Pettaway (Senate)	<a href="mailto:Carolyn.Martin-Pettaway@delaware.gov">Carolyn.Martin-Pettaway@delaware.gov</a>
Jennifer Jankowski (House)	<a href="mailto:Jennifer.Jankowski@delaware.gov">Jennifer.Jankowski@delaware.gov</a>

#### **Attendees:**

Sec. Shawn Garvin  
Amanda Kelly Thompson  
Elizabeth (Betty Gail) Timm  
Craig Orlan  
Leslie Reese  
David Saveikis  
George Krupanski  
Bailey Brooks  
Jordan Seemans  
Wesley Stefanick  
Yvette Sanchez Fuentes  
Greg Patterson  
Emily Cunningham

#### **Organization:**

DNREC  
Delaware Association of Realtors  
Office of Child Care Licensing  
American Honda Motor Company  
DNREC  
DNREC, Fish & Wildlife  
Boys & Girls Club  
RuggerioWillson  
Office of the State Treasurer  
Delaware Association of Realtors  
Delaware Dept of Education  
DNREC  
Delaware Dept of Education

Rony Baltazar-Lopez  
Meredith Seitz

Delaware Dept of State  
DSCYF

**Senator Sokola** convened the meeting at 11:00 a.m. and conducted a roll call. Sens. Hansen, Hocker, Pettyjohn, and Sokola were present.

I. Approval of minutes of Wednesday, June 23, 2021 committee meeting. **Senator Hocker** motioned to accept these minutes, and **Senator Hansen** seconded the motion.

The Committee approved the meeting's minutes of June 23, 2021.

**Sen. Townsend** joined the meeting and was marked as present by the Chair.

## **II. HB 216 – Rep. Matthews – AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO NOTARIZATION.**

Synopsis: Under the Governor's Eleventh Modification of the COVID-19 State of Emergency Declaration, and continuing upon passage of Senate Bill No. 247, remote notarization and witnessing by Delaware attorneys via audio-visual technology has been permitted. This provision is currently set to sunset on June 30, 2021. This Act extends the provision through June 30, 2022.

**Senator Hansen**, the Prime Senate Sponsor of HB 216, spoke about the bill. The precursor to this bill was done during the COVID-19 pandemic when the legal community brought forth concern that during the pandemic they weren't able to get people to notaries. They needed an accommodation so that certain transactions requiring notarization could continue and the in-person requirement could be lifted. The bill was negotiated with the Real & Personal Property Sections and Trust and Estates Sections of the Delaware State Bar and became part of the Governor's order. The Governor's previous order sunsets today, 6/30/2021. This bill extends the provisions for another year. The previously mentioned sections of the Bar have no objection to HB 216. Going forward, Sen. Hansen may look to extend these provisions even outside of the pandemic.

**Sen. Sokola** said the pandemic helped us to find new ways of approaching processes like this. He asked if there were any questions from the Committee.

**Sen. Hocker** said we should make this permanent. It has worked very well. Can we amend this bill to do so?

**Sen. Hansen** agrees and has begun those discussions to make it permanent. She mentioned that Sen. Lopez, along with Legislative Council Director and attorney Mark Cutrona, were looking into model law on e-notarization that could differ from what we currently have in place, so some discussion going forward may need to take place. She is not sure that it can be incorporated into this bill today.

**Sen. Sokola** asked for public comment on the bill. Seeing none, he moved on to the next agenda item.

**HB 216 – Reported out of Committee – 3F = Favorable (Hansen, Hocker, Pettyjohn), 3M = on its Merits (Sokola, Townsend, Lockman)**

**III. HB 103 – Rep. Briggs King – AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO AUTO REPAIR FRAUD PREVENTION, AND PROHIBITED TRADE PRACTICES.**

Synopsis: This bill clarifies definitions relating to airbags, counterfeit supplemental restraint system components, nonfunctional airbags, and supplemental restraint systems, and prohibited trade practices.

**Sen. Sokola** called on Sen. Pettyjohn, the lead Senate Sponsor.

**Sen. Pettyjohn** said the bill seeks to prevent trafficking of counterfeit and nonfunctional supplemental restraint systems, i.e. airbags. These supplemental restraint systems are one of the most important safety features of cars on the road today. Having these airbags has undoubtedly saved countless lives. This bill looks to solve the problem of counterfeit airbags, which pose a very serious public safety risk. They are known to malfunction by failing to deploy or, when they do deploy, expel shrapnel. Throughout the United States we've been inundated with counterfeit airbag modules. Federal partners have been effective in stopping them, but having states involved to defend against these counterfeits is beneficial. Similar legislation has already passed in 26 states. HB 103 gives state law enforcement and consumer protection officers a tool in the toolbox to help protect consumers.

Please Note: **Sen. Lockman** joined the Committee meeting at 11:10 a.m.

**Sen. Sokola** asked for questions from members of the Committee. Seeing none, he asked for public comment.

**Craig Orlan**, American Honda Motor Company, expressed support for the bill. Honda has worked with a broad coalition including automakers, recyclers, safety groups, law enforcement officials and others. Similar legislation has passed in 27 states now. Many of the counterfeits are filled with newspaper, trash, and debris that was never intended to provide protections. It is a very narrowly written bill that will help state and local governments work with federal partners to keep these products out of the vehicles of Delaware consumers.

**Sen. Sokola** said he did receive a letter from the Alliance for Automotive Innovation in support of HB 103. If other committee members would like copies of this letter, he will forward it. (Note: correspondence from the Alliance for Automotive Innovation is attached to these minutes.) Seeing no further comment, the chair moved on to the next agenda item.

**HB 103 – Reported out of Committee – 3F = Favorable (Hansen, Hocker, Pettyjohn), 3M = on its Merits (Sokola, Townsend, Lockman)**

**IV. HB 149 w/ HA 1 – Bennett – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION ACCESS PASSES.**

Synopsis: This Act provides a senior discount for residents and non-residents 62 years of age and older, for a conservation access pass, and a life-time conservation access pass for Delaware residents, 65 years of age and older, consistent with current senior discounts for access fees to Delaware State Parks.

HA 1 to HB 149 provides substantive changes to the original bill, deleting the reduced fee for passes and annual fees for residents and non-residents age 62 or older. In place of this, the Amendment increases the lifetime pass fee for Delaware residents from \$45 to \$65 and changes the effective date from 6 months after enactment to July 1, 2022.

**Sen. Sokola** asked if anyone from DNREC is present to speak about this bill.

**Sec. Shawn Garvin**, DNREC, noted that the bill was amended so that it just applies to those 65+ for a lifetime pass. DNREC supports the bill as amended.

**Sen. Sokola** understands there is small fiscal note. Does the fiscal note present an issue?

**Sec. Garvin** said that in the first few years the fiscal impact will be de minimis.

**Sen. Sokola** thanked Sec. Garvin and moved to the next item on the agenda.

**HB 149 w/ HA 1 – Reported out of Committee – 2 = Favorable (Hansen, Pettyjohn), 4M = on its Merits (Sokola, Townsend, Lockman, Hocker)**

**V. HB 153 – Smyk – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES.**

Synopsis: This bill creates a special license plate for Autism Awareness and Acceptance.

**Sen. Townsend** said that he spoke with Sen. Lopez, the Senate sponsor of the bill, who has asked him to speak to this bill. Sen. Townsend said that this license plate bill for an important cause, autism awareness. Sen. Lopez is prepared to floor manage the bill.

**Sen. Sokola** asked for any comments from Committee members. Seeing none, he called for public comment. Seeing none, he moved on to the next agenda item.

**HB 153 – Reported out of Committee – 2F = Favorable (Hansen, Pettyjohn), 4M = on its Merits (Sokola, Townsend, Lockman, Hocker)**

## **VI. HB 196 – Chukwuocha – AN ACT TO AMEND TITLES 14 AND 31 RELATING TO THE PARENTS RIGHT TO KNOW ACT.**

Synopsis: The Act places the Parents Right to Know Act in the Department of Education instead of the Department of Services for Children, Youth, and Their Families. This Act also clarifies the notice requirements.

HA 1 to HB 196 changes the minimum time the signed statement must be retained by the childcare facility from 3 years to 3 months.

Sen. Sokola called on Sen. Lockman, the prime Senate Sponsor of HB 196. He asked if it's correct that this bill moves the Parents Right to Know Act from one section of the Code to another.

Sen. Lockman stated that is correct. It moves it from Title 31, Welfare, to Title 14, Education, and works in tandem with the fact that we moved childcare oversight under the purview of the Department of Education.

Sen. Sokola asked for questions from the committee. Seeing none, he asked if anyone from DOE is present. With no one from DOE present, he asked for public comment.

Sen. Hansen asked if DOE is ok with this bill?

Yvette Sanches Fuentes, Associate Secretary for Early Childhood at DOE, said the Department is in favor of this legislation.

**HB 196 w/ HA 1 – Reported out of Committee – 2F = Favorable (Hansen, Pettyjohn), 4M = on its Merits (Sokola, Townsend, Lockman, Hocker)**

Sen. Sokola concluded the meeting by stating for the record that today's meeting was held in Zoom Webinar format. He asked Committee members to forward their F/M/Us immediately following this meeting. He asked for a motion to adjourn.

Senator Hansen motioned to adjourn the meeting, and Senator Lockman seconded the motion.

Senator Sokola adjourned the meeting at 11:22 a.m.

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### **Approval of Meeting Minutes**

\*Meeting minutes approved on Wednesday, October 13, 2021 on a motion by Sen. Pettyjohn, seconded by Sen. Lockman, and with no objection from members of the committee.

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### **Meeting Minute Preparation**

Minutes prepared by Valerie McCartan on 8/30/2021

**To: Members, Delaware State Senate**  
**From: Alliance for Automotive Innovation**  
**Date: June 29, 2021**  
**Re: Support HB 103 - Relating to auto repair fraud prevention, and prohibited trade practices**

The Alliance for Automotive Innovation<sup>1</sup> (Auto Innovators) requests your support for HB 103, which seeks to prevent the trafficking of counterfeit supplemental restraint systems and nonfunctional airbags.

Supplemental restraint systems, commonly referred to as airbags, are one of the most important safety features of today's automobile. These devices have saved countless lives and reduced the severity of injury of those involved in automobile accidents an immeasurable number of times.

Counterfeit airbags present a serious public safety risk to consumers. Counterfeit airbags are known to malfunction by either failing to inflate or by inflating but expelling dangerous shrapnel. We believe regulation of counterfeit airbags will play an important role in maintaining the integrity of this life-saving device.

The United States has been inundated with counterfeit supplemental restraint systems and nonfunctional airbags that are sold across the nation and have resulted in serious injury and death to motorists. The significant majority of these airbags are imported from China, sold online and then installed in the vehicle of an unknowing consumer. While federal authorities have been highly supportive of efforts to stop the flow of these oftentimes-deadly products, federal authority to prosecute is limited. Federal authorities can only act in defense of federal trademark law, and because many of the airbags do not carry a registered trademark, the counterfeit airbags and supplemental restraint systems cannot be seized.

To combat this problem, automakers and other interested stakeholders have worked to support federal and state law enforcement investigations and prosecutions, and worked to pass state laws that give law enforcement the tools they need to prosecute these bad actors.

Similar legislation has successfully passed in 26 states and we urge you to give law enforcement in Delaware the same tools. If I can answer any questions or provide any further information, please do not hesitate to contact me at 202-326-5562 or [jfisher@autosinnovate.org](mailto:jfisher@autosinnovate.org).

Thank you for your consideration.

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<sup>1</sup> Formed in 2020, the Alliance for Automotive Innovation is the singular, authoritative and respected voice of the automotive industry. Focused on creating a safe and transformative path for sustainable industry growth, the Alliance for Automotive Innovation represents the manufacturers producing nearly 99 percent of cars and light trucks sold in the U.S. The newly established organization, a combination of Global Automakers and Alliance of Automobile Manufacturers, will be directly involved in regulatory and policy matters impacting the light-duty vehicle market across the country. Members include motor vehicle manufacturers, original equipment suppliers, technology and other automotive-related companies and trade associations. The Alliance for Automotive Innovation is headquartered in Washington, DC, with offices in Detroit, MI and Sacramento, CA. For more information, visit our website <http://www.autosinnovate.org>.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Fisher". The signature is fluid and cursive, with a horizontal line above the first name.

Josh Fisher  
Director, State Affairs

DRAFT