



Edward S. Osienski
STATE REPRESENTATIVE
24th District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE
19901

COMMITTEES
Labor, Chair
Public Safety & Homeland
Security, Vice-Chair
Transportation, Vice-Chair
Education
Capital Infrastructure

House Labor Committee Minutes

3.19.24

House Committee Recording

Chair Edward S. Osienski called the meeting to order at 12:49 p.m.

Members present:

Rep. Osienski, Chair

Rep. Bolden

Rep. Cooke

Rep. Phillips

Rep. Collins

Rep. Hilovsky

Chair Osienski notified members that **HB 17, AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO SICK TIME AND SAFETY LEAVE**, which was on the agenda, would not be heard during the current meeting. *Time Stamp: 12:51*

Chair Osienski introduced Agenda Item No. 1: **HS 1 FOR HB 255, AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE BOILER SAFETY PROGRAM**. *Time Stamp: 12:51*

Chair Osienski, primary sponsor of the bill, stated this act relates to the construction, operation, maintenance, and repair of boilers, pressure vessels, or nuclear installations. This act also adds a representative from a major labor organization to the Council on Boiler Safety. Additionally, this act allows the Delaware Department of Natural Resources and Environmental Control (DNREC)

to establish fees for the Boiler Safety Program that reasonably reflect the cost of the program and defray its expenses, therefore requiring a 3/5 vote.

Rep. Collins raised questions about the strike-through of line 62 in HS 1 for HB 255, asking if this removes the authority of the General Assembly to appropriate fees and if this grants DNREC the authority to appropriate funds without consulting the General Assembly. Chair Osienski replied that DNREC has no intentions of raising any fees, but this fund will help raise funds for the Boiler Safety Program.

Rep. Collins stated he can't accept this bill.

DNREC's Secretary Shawn Garvin provided explanations about DNREC's authority. Secretary Garvin stated that currently, the Boiler Safety fund goes to the General Assembly, but this act directs funds to DNREC.

Rep. Collins raised questions about the impact of this act on the state budget, stating that this goes against constitutional guarantees. He asserted that DNREC should not have the authority to set their own fees therefore, he is not in favor of this act. Secretary Garvin replied that only 22 percent of the DNREC budget comes from the General Fund therefore, going through the regulatory process is more practical.

Rep. Collins voiced concerns about the long-term impact of these changes, 10-20 years from now. Secretary Garvin clarified that funding is necessary to run the Boiler Safety Program, explaining that this revenue allows DNREC to adjust fees, do inspections, and create enforcements for public safety interests.

Rep. Cooke questioned the purpose of removing the General Assembly from this act. Secretary Garvin replied that their removal streamlines the process for DNREC, but DNREC will still ensure checks and balances are in place. Chair Osienski explained that other state agencies have similar authority, and DNREC will direct fees to boiler owners rather than making all taxpayers contribute fees. Rep. Cooke asked a follow-up question about new boilers and boiler inspections. Secretary Garvin replied that all boilers would be inspected on a certain schedule.

Rep. Hilovsky asked if DNREC had certain or established fees. Secretary Garvin replied that DNREC would be authorized to change fees through regulations. This allows all the money collected for the Boiler Safety Program to go directly back into the program and allows DNREC to raise fees only if it's warranted. Rep. Hilovsky asked a follow-up question about how

individuals will know the amount they are expected to pay. Secretary Garvin replied that there is currently a fee structure in place.

Rep. Collins voiced that he supports all parts of the bill except the section that removes the General Assembly's approval.

Rep. Bolden asked about the fiscal impact. Secretary Garvin replied that the money would go to the Department fund.

Chair Osienski addressed an additional technical amendment that was filed that morning which strikes the State Treasury from the bill.

Rep. Collins stated that passing this act sets a precedent and would lead to further fee requests from agencies. Additionally, he is uncomfortable with the lack of financial oversight. Rep. Hilovsky agreed that he is also uncomfortable with the lack of oversight because this impedes their ability to protect the public.

Rep. Phillips asked Rep. Collins and Rep. Hilovsky to clarify their concerns. Rep. Collins replied that they are here to enforce the Constitution.

Chair Osienski asked if a House attorney was present to address program costs of other state agencies. The House Majority Caucus attorney, Angelica Mamani, replied that this bill places a cap on the fees that DNREC can set. Additionally, the fees have to approximate the program costs. However, Rep. Collins noted that the language has no enforcement mechanism.

Chair Osienski opened the floor for public comment. *Time Stamp: 1:15*

Member of the public Martin Williams, State Legislative Affairs Coordinator for the International Brotherhood of Boilermakers, provided a suggestion for the bill. Member of the public Robert Overmiller voiced concern about the bill.

A motion was made by Rep. Phillips and seconded by Rep. Bolden to release HS 1 for HB 255 from committee; motion carried. Yes = 4 (Bolden, Cooke, Osienski, Phillips); No = 2 (Collins, Hilovsky); Absent = 6. The bill was later released from committee with a F=1, M=7, U=0 vote.

Chair Osienski adjourned the meeting at 1:20 p.m.

Respectfully submitted by,
Katherine Bowman

Attendance List

- Shawn Garvin, Secretary of Department of Natural Resources and Environmental Control
- Robert Overmiller
- Martin Williams, State Legislative Affairs Coordinator for the International Brotherhood of Boilermakers

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Martin Williams, International Brotherhood of Boilermakers
Testimony Prepared for the Delaware House Labor Committee Regarding HS 1 for HB 255
March 19, 2024

Good afternoon, Chair Osienski, Vice-Chair Williams, and members of the committee, my name is Martin Williams and I am the National Coordinator of State Legislative Affairs for the International Brotherhood of Boilermakers. Thank you for the opportunity to offer brief remarks on House Substitute 1 for House Bill 255, which seeks to amend the composition of Delaware's Council on Boiler Safety as currently exists under the Boiler Safety Program administered by the Department of Natural Resources and Environmental Control (DNREC).

The International Brotherhood of Boilermakers is an international building trades labor union with approximately 47,000 members across the United States and Canada, including over 600 members living and working in Delaware and the surrounding region. Our members work in multiple industries including power generation, oil and gas processing and refining, steel production, shipbuilding, rail transportation, and manufacturing. For over 150 years, a core part of our members' expertise has been and continues to be the construction, installation, and repair of boilers and pressure vessels.

Delaware's Boiler Safety Program is tasked with specifying minimum standards for construction, installation, operation, and repair of all boiler and pressure vessel installations in the state, as well as guidelines for certifying all boilers and pressure vessels meet established minimum criteria. The program's Council on Boiler Safety is composed of five members, appointed by the Governor, who are either part of or familiar with the boiler and pressure vessel industry, and acts in an advisory capacity to provide recommendations on administration of the Boiler Safety Program.

However, the council does not currently include labor representation. Given the hazards associated with the construction, operation, and maintenance of boilers and pressure vessels, we believe it is important and prudent to have a worker perspective during discussions of how to address and mitigate those hazards. Expanding the council to allow for labor representation would be consistent with the structure of other Delaware boards and councils as well as twelve other states that have worker seats as part of the composition of their respective boiler safety boards.

HS 1 for HB 255 serves the public interest by expanding the Council on Boiler Safety to include labor representation. We thank Chairman Osienski for bringing this forward and, respectfully, ask for a favorable report. I look forward to answering any questions from the committee.