



FRANKLIN D. COOKE, JR.
STATE REPRESENTATIVE
16th District

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

COMMITTEES
Public Safety & Homeland Security, Vice-Chair Corrections
Gaming & Pari-Mutuels Housing & Community Affairs
Judiciary Labor Veterans Affairs

House Public Safety & Homeland Security Committee Meeting Minutes

1.18.22

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Cooke called the meeting to order at 1:03. Members present included Reps. Brady, Briggs King, Bush, Chukwuocha, Lambert, Lynn, Morris, Osienski, Smyk, Spiegelman, Vanderwende. For a list of guests present, please see the attendance list below.

Chair Cooke introduced **HB 276, AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ELIGIBILITY OF REGISTERED QUALIFYING PATIENTS UNDER THE DELAWARE MEDICAL MARIJUANA ACT TO PURCHASE OR POSSESS FIREARMS.**

Rep. Spiegelman stated that the purpose of the bill was to ensure that medical marijuana patients do not have to give up their Second Amendment rights. If the medical marijuana patient attempting to purchase a firearm goes through the National Instant Criminal Background Check System (NICS), they will be ineligible to buy a firearm under federal law. However, the state will not prosecute that individual as it is not a crime in the state to possess medical marijuana and a firearm at the same time.

Robert Overmiller expressed his support for the legislation.

Scott Kidner from the National Shooting Sports Foundation indicated that his organization would maintain a neutral stance on the bill.

Sherry Long expressed her support for the legislation.

Ryan Bunting, Vice Chair of the New Castle County Libertarian Party, extended support for the legislation, stating that his party believes an individual should never have to exchange one right for another. He emphasized that the bill removes barriers to the right of self-defense for those that partake in medicinal cannabis.

Denise Clendenning expressed her support for the legislation, stating that there is no justification for a person to be denied the right to use a firearm in self-defense due to using a legal medication.

Jessica Garrison expressed her support for the legislation, stating that it is past time to make it clear that individuals are not disqualified from purchasing a firearm because the individual is a registered patient under the Delaware Medical Marijuana Act.

Rep. Smyk noted that similar legislation was introduced in 2017 and indicated that he would like to know what issues arose to keep the bill from passing initially. He asked Scott Kidner from the National Shooting Sports Foundation to clarify why his organization is taking a neutral stance on the legislation.



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Scott Kidner stated that his organization had previously spoken in opposition to the original legislation in 2017 but changed their position to neutral due to the narrow focus of the current bill, which does not account for purchases that require individuals to fill out federal forms.

A motion was made by Rep. Briggs King and seconded by Rep. Brady to release HB 276 from committee; motion carried. Yes= 10 (Cooke, Osienski, Brady, Chukwuocha, Bush, Lynn, Morris, Smyk, Vanderwende, Briggs King); No= 0; Absent= 0. The bill was released from committee with a F=4, M=3, U=0 vote.

Chair Cooke introduced **HB 259, AN ACT TO AMEND TITLE 7, TITLE 16, AND TITLE 20 OF THE DELAWARE CODE RELATING TO EMERGENCY ALERTS.**

Rep. Lambert stated that the purpose of the bill was to require Delaware to use the Wireless Emergency Alert ("WEA") system to notify the public of emergency alerts and to require that the emergency alert system be used when a catastrophic release occurs. He defined a catastrophic release as a major uncontrolled emission, fire, or explosion that presents an imminent and substantial endangerment to public health.

Rep. Lambert said that the WEA system is a federal public safety system, currently used by the Delaware Emergency Management Agency (DEMA), that allows customers who own mobile devices to receive geographically targeted, text-like messages alerting them of imminent threats to safety in their area. Rep. Lambert noted that Delaware still uses reverse 911 notifications to landline phones for environmental hazards, despite the fact that only 6.5% of U.S. households use landlines as their only form of phone communication. He also noted that National Center for Health Statistics reported that during the first 6 months of 2020, 62.5% of adults and 73.8% of children lived in wireless-only households.

Rep. Lambert said that DEMA has asked cell phone users to manually register their cell phones with the Delaware Emergency Notification System ("DENS") to receive WEA notifications, however only 3% of Delawareans have manually registered their cell phones with the Delaware Emergency Notification System to receive wireless emergency alerts. In addition, because the WEA system targets geographic areas, emergency alerts are sent to all wireless devices with service provided by participating carriers. As a result, emergency alerts are provided to wireless devices in the geographic area affected by the hazard, regardless of whether people register their phones, live in the area, or have phone numbers with a local area code.

Robert Overmiller said that he does not support this legislation.

Dave Carpenter, the Coordinator of Emergency Management for New Castle County, stated that he had concerns about the requirements imposed by the legislation on emergency notification agencies, along with concerns about liability if these agencies failed to send out an alert. He also noted that the legislation did not specify the areas to be notified of a catastrophic



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release and asked whether there would be penalties for emergency notification agencies for not notifying a broad enough area in the event of a catastrophic release.

John Irwin expressed his support for the legislation, stating that it is critical that life-saving warnings get to people as quickly as possible to ensure the safety of themselves and their families.

Karl Stomberg expressed his support for the legislation, noting that his household only uses mobile devices, and would not be reached by the reverse 911 notifications to landline phones for environmental hazards.

Jeffrey Richardson expressed his support for the legislation, noting that under the current system only 3% of the population would be aware that they were at risk in the event of a catastrophic release.

Jeff Sands, Community Relations Coordinator for the Delaware Emergency Management Agency, expressed his concerns that the legislation would place an additional burden on first responders while they are busy managing an incident. He also noted that he feels that the existing plans already account for wireless emergency alerts.

Stephanie Herron, National Organizer for the Environmental Justice Health Alliance for Chemical Policy Reform, expressed her support for the legislation, noting that most people do not realize that they can opt into these kinds of alerts.

Clayton Joyce said that the air quality in his neighborhood is already harsh, and that a mobile device alert is a miniscule heads up on dangerous environmental conditions. He also noted that he does not own a landline and would not be reached by the reverse 911 notifications to landline phones for environmental hazards.

Dora Williams expressed her support for the legislation, noting that there are lots of people who do not have landlines anymore.

Rep. Lambert stated that the bill was inspired by a leak of ethylene oxide from Croda's Atlas Point manufacturing facility that occurred on Thanksgiving Day in 2018, closing the Delaware Memorial Bridge. Without an effective emergency alert system, residents lacked proper awareness of the situation. He noted that he would continue to work with directors of emergency management going forward.

Rep. Smyk thanked Rep. Lambert for bringing attention to the issues being addressed by the legislation, noting that he trusted Rep. Lambert to work out any remaining concerns with the legislation before it reaches the House floor.



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Rep. Morris stated that he wanted to make sure that those operating the emergency notification systems were in support of the legislation and would like to have their input before the legislation made it to the House floor.

Rep. Cooke asked Rep. Lambert if he had previously consulted with the directors of emergency notification agencies.

Rep. Lambert replied that he had previously consulted with the directors of emergency notification agencies, acknowledging that while many were already participating in wireless alert systems, he wanted to codify this procedure into law.

Rep. Cooke conveyed his expectations that this legislation would consider the circumstances of Kent County and Sussex County and ensure that agencies outside of New Castle County are on board with the legislation as well.

Rep. Lambert assured the committee that he would continue to work with agencies across the state to address concerns with the legislation.

Rep. Briggs King added that the legislation seemed to be focusing on the chemical plants and other operations in New Castle County, noting that industrial parks Sussex County have caused similar situations. She noted that emergency notification alerts are difficult in Sussex County because of limited wireless access. She stated that she trusted that Rep. Lambert would sort out any concerns with the legislation before it reached the House floor.

A motion was made by Rep. Brady and seconded by Rep. Osienski to release HB 259 from committee; motion carried. Yes= 10 (Cooke, Osienski, Brady, Chukwuocha, Bush, Lynn, Morris, Smyk, Vanderwende, Briggs King); No= 0; Absent= 0. The bill was released from committee with a F=3, M=3, U=1 vote.

Chair Cooke introduced **SB 63 w/ SA 1, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIREFIGHTING.**

Rep. Osienski said the legislation places a duty on drivers to clean ice and snow off their vehicles prior to driving. Law enforcement would be able to stop vehicles that they believe pose a threat to other roadway users with a civil penalty of not less than \$25 or more than \$75 for each offense. However, if dislodged snow or ice strikes another vehicle or pedestrian, causing any injury or property damage, civil penalties increase to not less than 200 or more than 1000 and the penalty for commercial vehicles will not be less than 500 or more than 1500.

Rep. Smyk stated that he believes the responsibility of an individual to remove all this snow because eventually it will start to peel off the car and cause issues for anyone behind it. He asked whether insurance companies had been consulted on the legislation and expressed his concern that senior centers in his district would be unable to clear the snow off their vehicles in the event of an emergency.

411 Legislative Avenue, Legislative Hall, House of Representatives,
Dover, Delaware 19901 House Offices: Wilmington: (302) 577-8476
Dover: (302) 744-4351 Fax: (302) 739-2313
[Email:FranklinD.Cooke@delaware.gov](mailto:FranklinD.Cooke@delaware.gov)



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Rep. Osienski replied that Sen. Townsend, the prime sponsor of the bill, had not forwarded him any communications with insurance companies. He emphasized that the legislation gives law enforcement officers the ability to decide whether to issue a citation for this offense and assured the committee that if a driver were having a medical emergency that an officer would assist them rather than issuing a citation.

Rep. Bush said that he would like to see the legislation amended to include protections for those who may not be able to clear the snow off their vehicles due to age or health conditions.

Robert Overmiller said that he does not support this legislation due to the exemption included for vehicles driving in a 25 mile per hour area.

Sherry Long expressed concerns about the effectiveness of the legislation, noting that it may be hard to prove which vehicles caused property damage as a result of dislodged snow.

Ken Grant, representing AAA Mid-Atlantic, expressed his support for the legislation, noting that New Jersey and Pennsylvania have similar laws in place. He also emphasized that if a senior citizen is having a true medical emergency that they should call an ambulance rather than trying to drive themselves.

Rep. Cooke stated that during his time as a law enforcement officer he has witnessed property damage due to dislodged snow from vehicles, particularly tractor trailers.

Rep. Chukwuocha said that he supports the bill, with or without the amendment creating exemptions for 25 mile per hour zones.

A motion was made by Rep. Chukwuocha and seconded by Rep. Briggs King to release SB 63 w/ SA 1 from committee; motion carried. Yes= 10 (Cooke, Osienski, Brady, Chukwuocha, Bush, Lynn, Morris, Smyk, Vanderwende, Briggs King); No= 0; Absent= 0. The bill was released from committee with a F=5, M=2, U=0 vote.

Chair Cooke adjourned the meeting at 2:09.

Respectfully submitted by:

Wyatt Patterson

Legislative Fellow



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Attendance List

- Alexa Scoglietti, House Staff
- Sophia Vassar, House Staff
- Rylene Harper, House Staff
- Natalie Woloshin, House Attorney
- Richard Puffer, Chief Clerk of the House
- Ryan Bunting
- Roman Battaglia
- Bridget Wallace
- Sheri Knott
- Aaron Onoff
- Dave Carpenter
- Dawn Hopkins
- John Drummond
- Kevin Perna
- Scott Kidner
- Robert Overmiller
- Deborah Gottschalk
- Jeanette Swain
- Jeff Sands
- John Irwin
- Lincoln Willis
- Sherry Long
- Stephanie Becker
- Carrie Cole
- Charles Megginson
- Madison Matera
- Dylan Tepper
- Gregory Patterson
- Hana Graybill
- Jon Offredo
- Karl Stomberg
- Ken Grant
- Kim Willson
- Mark Cutrona
- Mary Kate McLaughlin
- Meaghan Barna

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- Chase Barnes
- Chelsea Jones
- Jason Smith
- Christine Schiltz
- Denise Clendenning
- Jeffrey Richardson
- Jessica Garrison
- James Nutter
- Kimberly Chandler
- Dora Williams
- Aimee String
- Stephanie Herron
- Justin Richards
- Janice Durham
- Clayton Joyce
- Kristine Iannelli
- Brandon Williams
- Verity Watson
- Maryann Carroll
- Rhett Ruggerio
- Stevie Keeley
- Jonathan Rutledge

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