

**JOHN L. MITCHELL, JR**  
STATE REPRESENTATIVE  
Thirteenth District



HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

COMMITTEES  
Public Safety & Homeland  
Security, Chair  
Appropriations  
Gaming & Pari-mutuels  
Joint Finance  
Judiciary  
Telecommunication Internet  
& Technology

**Public Safety & Homeland Security Committee**  
Meeting Minutes  
May 5, 2010

Chairman Mitchell called the meeting to order at 2:36 p.m. Members present included Representatives Atkins, Carson, George, J. Johnson, D. P. Williams, Lee, Outten and Wilson. Representative Q. Johnson was also present. For a list of guests present, please see attached.

After calling the meeting to order, Chairman Mitchell chose to address **SB 212 with SA 1, SA 2, SA 3, AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY**. Chairman Mitchell explained that this bill codifies New Castle County's authority to impose a surcharge on building permits to benefit the fire companies of New Castle County. This type of surcharge is already in place in Kent County and Sussex County. He further explained that the amendments make the following changes: certain organizations exempt under §501(c)(3) of the federal IRS code and the Delaware State Housing Authority, and the surcharge applied to commercial construction with a cap of 1 million dollars. Chairman Mitchell also explained that he received many letters in support of this bill from fire companies, which are attached for the record.

Nicole Majeski, of New Castle County, explained that this bill would create the option for the county to institute a surcharge comparable to that of Kent and Sussex, which was implemented in 2003 and 1998 respectively. Ms. Majeski also explained that this surcharge is separate from the current impact fee, which benefits only the district of the new construction.

Rep. Carson asked what the surcharge is based on; Ms. Majeski explained it would be based on the construction value. Rep. J. Johnson asked for clarification that it applied to unincorporated areas; Ms. Majeski ensured that it did.

Chairman Mitchell then opened the discussion to the public.

Richard Perillo, president of the New Castle County Fire Association, stated that all 21 fire companies agreed to the proposal, as the volunteer fire companies are in need of funding. Rep. George commented that in a meeting with the Christiana Fire Company, she became aware of the impact of the state funding cuts, and stated that fire companies are not charities, but a public service that need to be adequately funded.

Jennifer Casey, of the Home Builders Association of Delaware, stated her opposition to the bill. She stated that while it is understood that the fire companies are in need of money, her understanding of the shortfall is that the problems stem from issues with the ambulance services. She also stated that it is unfair to pin this responsibility on the construction community, which is already struggling in the current economy.

The New Castle County Chamber of Commerce stated it is against this bill, as it is not the appropriate time to levy a surcharge on a struggling industry. The fire company needs a more secure funding base, and this is a piecemeal approach to solve this problem.

After lengthy public comment, Rep. Lee motioned to release the bill; Rep. George seconded the motion. The bill was released from committee on a 1-7-0 vote.

Chairman Mitchell then addressed **SB 218, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COURT COSTS FOR CIVIL TRAFFIC OFFENSES**. Chairman Mitchell explained that this bill would make court costs for traffic offenses involving civil penalties governed by the Justice of the Peace Court rule, which is consistent with the change to §9801 of Title 10 that took effect earlier in the 145<sup>th</sup> General Assembly.

Rep. George motioned to release the bill; Rep. Atkins seconded the motion. The bill was released from committee on a 1-7-0 vote.

Lastly, Chairman Mitchell addressed **HB 383, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES**, and recognized Rep. Q. Johnson, the bill's sponsor. Rep. Q. Johnson explained that this bill creates a special license plate for Operation Enduring Freedom. He stated that Operation Iraqi Freedom, which occurred after Enduring Freedom, has its own plates, and a constituent requested this bill.

Rep. George stated that she supports this bill, but wondered if there was a larger umbrella word that could be used in order to prevent a name for every operation. House Attorney Jamie Nutter stated that the term is generally accepted as being The War on Terror, but that it is an unpopular phrase.

Rep. D. P. Williams stated that while he will support the bill, he hoped that the state would limit the types of plates in the future, because there is no end in sight for specialty plates.

Rep. George motioned to release the bill; Rep. D. P. Williams seconded the motion. The bill was released from committee on a 1-6-0 vote.

Chairman Mitchell adjourned the meeting at 3:20 p.m.

Respectfully submitted by,

Katie Anderson