



STATE OF DELAWARE
LEGISLATIVE COUNCIL
Meeting Minutes
Wednesday, May 15, 2019

Members Present: Senator David B. McBride, Chair; Representative Peter C. Schwartzkopf, Vice Chair; Senators Nicole Poore, Brian Townsend, Catherine Cloutier, and Gerald Hocker; Representatives Valerie Longhurst, J. Larry Mitchell, Daniel Short, and Timothy Dukes

In attendance: Mark Cutrona, Deputy Director, Division of Research/Legislative Council; Holly Vaughn Wagner, Amanda McAtee, Mark Brainard, and Colinda Marker, Division of Research/Legislative Council; Dawn Hill, Controller General Office; Janet Roberson, Director, Legislative Information Systems (LIS); Debra Allen, Senate Majority Chief of Staff; Richard Puffer, Chief Clerk of the House; Sean Finnigan, House Majority Chief of Staff; Deanna Killen, Deputy Chief of Staff, Senate Minority Caucus; Joy Bower, Secretary of the Senate; Tammy Kanich, House Minority Caucus; Jennifer Schultz, NCSL

REVISED AGENDA

1. Welcome – Sen. McBride, Chair
2. Approval of April 17, 2019 Meeting Minutes
3. Deputy Director, Legislative Council - Report
4. Controller General - Report
5. Legislative Branch IT Update
6. New Business
 - a. Women’s Suffrage Centennial
Dick Carter, Heritage Commission
 - b. 150th General Assembly Historical Discussion
Dick Carter, Heritage Commission
 - c. Hiring a Director of the Division of Research
Sen. McBride, Chair
7. Next Meeting – Wednesday, June 12, 2019
8. Public Comments
9. Adjournment

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1. **Welcome**

Sen. McBride called the meeting of Legislative Council to order at 12:07 p.m. in the Joint Finance Hearing Room.

2. **Approval of April 17, 2019, Meeting Minutes**

A motion was made by Rep. Schwartzkopf and seconded by Rep. Short to approve the April 17, 2019, Legislative Council meeting minutes. Motion carried. Vote: 9 yes. Senators McBride, Poore, Townsend, Cloutier, and Hocker; Representatives Schwartzkopf, Longhurst, Short, and Dukes.

Absent: Representative Mitchell.

3. **Legislative Council Deputy Director's Report** – Mark Cutrona introduced Jennifer Schultz, NCSL Liaison for Delaware. Ms. Schultz is taking the opportunity during this visit to speak to legislators and staff, and answer any questions. Sen. McBride invited Ms. Schultz to attend Senate session if she was available. Mr. Cutrona shared that NCSL honored legislative staff across the country with Legislative Staff Week, which started May 6. Delaware was very competitive in the shout out competition and held the lead for recognizing employees for the majority of the week.

Mr. Cutrona recognized the staff of Division of Research for their work. The Registrar's Office, currently staffed by Yvette Smallwood, Registrar of Regulations, and Vicki Schultes, Administrative Specialist, has published 294 regulatory documents in the last year totaling over 5,000 pages. Additionally, they have reviewed over 181 bills for inclusion in the session laws, and 177 bills in processing updates to the Delaware Code based on updates received from LexisNexis. The Registrar's office has been operating with the vacancy of the Assistant Registrar of Regulations since November.

Mr. Cutrona praised Mark Brainard and Amanda McAtee, Joint Legislative Oversight and Sunset Committee Analysts, along with Holly Vaughn Wagner, Attorney, who, despite the late start for the committee, have excelled in accomplishing reviews to date. Sen. Poore shared that the Senate Chair of the Sunset Committee gave great accolades to the team for the quick turnaround and support they have provided. Sen. McBride added that the decision of the Council to add an additional analyst has been advantageous for both parties. Rep. Longhurst requested that the process used to hire the analysts be put into a policy, since it worked so well. Mr. Cutrona confirmed the subject has been brought before Council before and the policy is ready for review at a future meeting.

Mr. Cutrona notes Sara Zimmerman, Legislative Librarian, has received a number of former code supplements that date back to the last recodification in 1974. She has worked to organize this information and make the resources available if a project requires research of the code and its different permutations.

Mr. Cutrona stated Debbie Gottschalk, Attorney, is currently working to research and draft the annual technical corrections bill. This year's memo lists errors from legislation enacted in 2018, containing over 50 items, which require research and review with stakeholders. Mr. Cutrona requested a Legislative Council meeting be held in June to address these corrections.

In the Print Shop, Donnie Sellers, Supervisor, advised they have printed over 435 pieces of legislation this year, totaling a half a million pages. Since May 2018, they have printed over two million pages of legislation and non-legislative related work. Mr. Cutrona also thanked the administrative staff of the Division for helping during the time of transition. Kathy Morris, Office Manager, for ensuring the continuation of financial obligations. As well as Natalie White and Amy Tricarico in the Legislative Information Office; and Colinda Marker, Executive Assistant.

4. Controller General Report – Dawn Hill, presenting for Michael Morton, reported that the office will start the budget markup process on Tuesday, May 21; it is the intent of the office to have the bill completed the following Thursday, May 30, and have the bill drafted and to the print shop by Sunday. The Bond Bill Committee is scheduled to meet June 18 through the 20; it is the intent of the office to have the bill drafted and to the print shop that weekend. It is the intent of the office to meet with Joint Finance on June 26 regarding Grant in Aid, have the bill drafted, to the print shop, and ready for introduction on June 27. DEFAC was moved from June 17 to June 19.

Ms. Hill shared that the Controller General Office will be turning 50 this year; the office was created on July 14, 1969. To commemorate the occasion a concurrent resolution has been drafted; the office is requesting the support and sponsorship of Council. Ms. Hill advised the office will hold an open house for building staff with refreshments and events. Communications will be sent out shortly regarding the date and time.

5. Legislative Branch IT Update –Janet Roberson gave a brief update on the post ITC consolidation and the keys to the success and organization of Legislative IT. The first key is the IT Governance Board, the Board meets once a month and is comprised of the Chiefs, Senate Secretary, Chief Clerk of the House, Controller General, and Director of the Division of Research. The board discusses and votes on upcoming projects and priorities, current issues, and strategy moving forward. Ms. Roberson emphasized the importance of the meetings, especially at this time of year with the preparation of the new budget and project planning. She asked Council to encourage staff to attend these meetings, as they will be critical with significant topics to address. Ms. Roberson described the roles of Information Resource Manager (IRM) and Information Security Officer (ISO) that she and Angel Burack hold respectively. The IRM acts as a liaison between DTI and the legislature for all IT issues including strategy, budget, statewide initiatives, and issue resolution. The ISO handles all security requests including access to applications, enforcement of state security policy, and enforcement of internal business policies. The last key are the teams at DTI that work closely with the IRM, ISO, and end-users. The Applications Support, Enterprise Desktop/LAN (EDL), and Service Desk are the teams end-users will interact with most frequently. Ms. Roberson continued the report citing the 3rd quarter application deployment scheduled for May 20, and the End User Skype Demo scheduled for

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May 17. Ms. Roberson ended the presentation with a chart showing the number of Service Desk requests opened and closed in the last three months.

6. New Business

- a. Women's Suffrage Centennial – Dick Carter, Chair of the Delaware Heritage Commission, spoke regarding House Concurrent Resolution 21, which established the Woman's Suffrage Centennial Subcommittee. The subcommittee held its first meeting Tuesday, May 7, electing Susan DePesco as Chair, and Sylvester Woolford as Co-chair. One of the ideas proposed during this meeting was a monument as permanent reminder of the importance women's suffrage. Mr. Carter provided the Council with pictures documenting the suffrage movement at its height before the 19th Amendment was enacted in 1920. Mr. Carter noted the struggle in Delaware over the event, and remarked that Delaware General Assembly at the time refused to act on the matter. The subcommittee has requested funds for the Women's Suffrage Monument from the Joint Finance and Bond Bill Committees, estimating a cost similar to the Women's Veterans and WWI Monuments, \$50,000. Mr. Carter is requesting Council approve placement of the monument on the grounds of Legislative Hall; two potential spaces remain open. Mr. Carter is proposing to place the monument facing Legislative Avenue, on the west side near the Delaware Women's Veterans Monument. If approved, the monument, along with a parade, would be dedicated in the early fall of 2020. The Heritage Commission intends to publish a book to accompany the monument containing photographs and historical information relevant to the movement in Delaware and nationally. Mr. Carter commented on the important role African American women played in the movement and the need to acknowledge this. Rep. Longhurst thanked Mr. Carter for proposing this project, and the Heritage Commission for taking the lead on the commemorative events. She proposed the parade end at the site of the monument with a rally and ribbon cutting ceremony. Sen. McBride thanked Mr. Carter for his hard work and conveyed his appreciation.

A motion was made by Rep. Schwartzkopf and seconded by Sen. Townsend to approve the Delaware Women's Suffrage Monument. Motion carried. Vote: 10 yes. Senators McBride, Poore, Townsend, Cloutier, and Hocker; Representatives Schwartzkopf, Longhurst, Mitchell, Short, and Dukes.

- b. 150th General Assembly Historical Discussion – Dick Carter, Delaware Heritage Commission, spoke to the question posed by Rep. Short regarding recognition of the 150th General Assembly. He shared that although the current Assembly is numbered the 150th the General Assembly was not established 300 years ago. It is in fact, the 242 year of the Delaware General Assembly, which began meeting after the Delaware State Constitution was adopted in 1776. Mr. Carter shared some historical facts regarding the sequencing of the General Assembly that have led to the current number. Rep. Short thanked Dick Carter for his insight, and expressed his concern regarding the validity of the information being taught in schools. Rep. Short requested that this information be published. Mr. Carter suggested if Public Archives could get an intern or graduate

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student, they could do additional research and document how the numbering system came to be. Rep. Short commented also on the changes in districting, restating that the General Assembly history need to be researched, verified, and documented.

A motion was made by Rep. Short and seconded by Rep. Schwartzkopf to communicate the request to Public Archives for a comprehensive research and documentation of the history of the General Assembly. Motion carried. Vote: 8 yes. Senators McBride, Poore, Townsend, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes.

Absent: Reps. Longhurst and Mitchell.

- c. Hiring a Director of the Division of Research – Sen. McBride requested Mark Cutrona, Deputy Director, Division of Research, provide the details regarding the process used in 2012 to hire the last Director. Sen. McBride expressed his hope this would provide a refresher to the Council and starting point for the current process. Mr. Cutrona advised a look at previous Council minutes revealed that on March 28, 2012, an initial motion regarding hiring failed and a subcommittee was tasked with reviewing and modifying the Director job description. Mr. Cutrona provided the Council with the posting he obtained from Human Resources Management (HRM) used for recruitment of the last Director. HRM advised the position was posted on the State’s website starting June 4, 2012, for approximately 14 days. On August 8, 2012, minutes detail that Council went into executive session for an hour and twenty minutes, and upon return voted unanimously to hire Lori Christiansen as Director. Mr. Cutrona advised records could not be located regarding the process used between the posting of the position in June and the Legislative Council meeting on August 8. He shared his experience when being hired as Deputy Director. After applying, he was interviewed first by the Whips and then by Legislative Council. Records indicate the Whips interviewed the top six candidates, and the Council subsequently interviewed the top three of that group.

Mr. Cutrona shared additional background information gathered from the liaison at the Department of Human Resources (DHR). The Director position does not have to be posted because it is exempt. If the position is posted through DHR, they will advertise the posting, and collect the applications and resumes. They can either screen the applications to provide only the applicants that are deemed qualified to Council, or they can provide all applications. The minimum time for a posting is seven days. Mr. Cutrona shared his intention to apply for the Director position, and advised any information can communicated from DHR to Kathy Morris, Office Manager, or Colinda Marker, Executive Assistant.

Mr. Cutrona advised that in order to comply with FOIA, general discussions regarding hiring can occur during the public meeting; however, detailed discussions regarding applications and applicants should occur during executive session. Upon reaching an agreement, the vote to confirm hiring needs to occur during a public meeting. Mr. Cutrona also provided § 1106 of Title 29 which contains general provisions regarding the Director of Division of Research. Section 1106(a) states the Council shall appoint the

Director with the consent of the majority of members elected to each House of the General Assembly. This section also contains the requirements necessary for the position.

Sen. McBride commented on the extended length of time the Director position was vacant before hiring in 2012 and expressed his desire to avoid a similar situation. However, Sen. McBride suggested the Council take the opportunity to review the provisions of § 1106 to determine if changes are necessary. He commented on section (c) and the need for 8 affirmative Council member votes to remove a Director and inquired if anyone knew the reason for this. Mr. Cutrona advised although he did not have the background on how that provision came about, his research revealed a 1991 evaluation by NCSL, which suggested a change to a simple majority. This would align more closely to the standards in other states.

Rep. Schwartzkopf confirmed the hiring process that Mr. Cutrona outlined. Per his recollection, a subcommittee, consisting of the Whips, was assigned to review the applications and select the top five candidates. The entire Council interviewed the top candidates and took a vote to confirm the final hiring decision. Rep. Schwartzkopf advised the other option is to go into executive session to discuss potential candidates without posting the position, as it is exempt. He suggested completing the current meeting and going into executive session to discuss personnel.

Sen. Poore suggested the Council review the processes used in other states and not rush the process. She would like to take the opportunity to evaluate the Division, how it operates, and establish written policies to address these instances in the future. She pointed to the success of the hiring process used in the hiring of the Joint Legislative Oversight and Sunset Committee Analysts.

7. **Next Meeting** - Wednesday, June 12, 2019
8. **Public Comments** – None
9. **Adjournment**- Sen. McBride called for a motion to adjourn the public portion of the meeting at 1:01 p.m. and enter into executive session.

A motion was made by Rep. Schwartzkopf and seconded by Sen. Hocker to resolve into executive session to discuss personnel. Motion carried. Vote: 8 yes. Senators McBride, Poore, Townsend, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes.

Absent: Reps. Longhurst and Mitchell.

Respectfully submitted,
Mark Cutrona
Deputy Director
Division of Research/Legislative Council

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