

Sen. John J. Walsh, Chair
Sen. Stephanie L. Hansen
Sen. Brian G. Pettyjohn
Sen. Bryant L. Richardson
Sen. David P. Sokola



Rep. Stephanie T. Bolden, Vice-Chair
Rep. Andria L. Bennett
Rep. Gerald L. Brady
Rep. Timothy D. Dukes
Rep. Jeffrey N. Spiegelman

STATE OF DELAWARE

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Minutes - 4.5.17

Chair Walsh called the meeting to order at 12:20 pm. Members present included Vice Chair Bolden; Senators Richardson, and Hansen; Representatives Bennett, Dukes, and Spiegelman. Julie Fedele, JLOSC Analyst; Holly Vaughn Wagner, Legislative Attorney; Kimberly Reinagel-Nietubicz, Chief Fiscal Policy Analyst; Spence Price, Senior Legislative Analyst; Julia Dumas Wilks, Administrative Specialist II; and Lexi West, Legislative Fellow were also present. Chair Walsh called for introductions and stated the purpose of the meeting. Entering late were Representative Brady, Senators Pettyjohn and Sokola.

Chair Walsh recognized Michael Scuse, Secretary of Agriculture, and invited the members of the committee to introduce themselves. Representative Spiegelman motioned to approve the March 28, 2017, committee minutes, and was seconded by Senator Pettyjohn. The motion carried by 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Chair Walsh addressed the need to review the tabled recommendation for the Human Relations Commission Recommendation Meeting on March 28, 2017. The Human Relations Commission ("the Commission"), was represented by Calvin H. Christopher, Commission Chair; Romona S. Fullman, Director of the Division of Human Relations; and their legal counsel, Zoe Plerhoples, Deputy Attorney General. Representative Spiegelman thanked the committee for their due diligence in obtaining the answers to his questions and motioned to accept Recommendation Seven, Option Two. It was seconded by Senator Pettyjohn. The motion carried by 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Chair Walsh welcomed representatives from The Agricultural Farmland Preservation Foundation ("the Foundation"). Michael Scuse, Secretary of the State of Agriculture, and Austin Short, Deputy Secretary of Agriculture, introduced themselves to the committee.

Chair Walsh read Recommendation 1, and asked committee members for questions and comments. Senator Pettyjohn motioned to adopt Option 1 of Recommendation 1, and was seconded by Representative Spiegelman. The motion carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0.

Chair Walsh read Recommendation 2, and asked the Foundation and Committee members for questions and comments. Secretary Scuse stated he agreed with the recommendation and that there is no reason to continue with the twenty-five year provision. Representative Spiegelman motioned to adopt Recommendation 2, accepting the recommended number from the Commission of 18, and was seconded by Representative Bennett. The motion carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0.

Chair Walsh read Recommendation 3, and asked committee members for questions and comments. Secretary Scuse requested to remove the recommendation, as he does not believe it is necessary to make any changes. Vice Chair Bolden confirmed the recommendation was added in an attempt to increase landowner participation. Secretary Scuse stated the 10 year initial period has not been a burden to the program; however, lack of funding for the program was an issue. Senator Pettyjohn motioned to strike Recommendation 3, and was seconded by Representative Spiegelman. The motion carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0.

Chair Walsh read Recommendation 4, and asked committee members for questions and comments. Senator Pettyjohn confirmed with the Committee's Analyst, Julie Fedele, that this was standard language. Senator Richardson expressed concern that the language seemed arbitrary, and has potential to open the door to personality conflicts. Representative Spiegelman clarified the appointing authority was the Governor. Senator Pettyjohn motioned to adopt Recommendation 4, and was seconded by Representative Brady. The motion carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0. Senator Sokola noted requirements remain regarding geographic and political balance on the board.

Chair Walsh read Recommendation 5, and asked committee members for questions and comments. Representative Bolden motioned to adopt Recommendation 5, and was seconded by Representative Bennett. The motion carried 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Chair Walsh read Recommendation 6, and asked committee members for questions and comments. Senator Pettyjohn motioned to accept Recommendation 6, Option 2, and was seconded by Senator Sokola. The motion carried 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Secretary Scuse thanked the Committee for their time.

Chair Walsh welcomed Major Meadows, Captain Crotty, and Lieutenant Hulings from the Delaware Information and Analysis Center (“DIAC”).

Chair Walsh read Recommendation 1, and asked committee members for questions and comments. Senator Richardson motioned to adopt Option 1 of Recommendation 1, and was seconded by Representative Bennett. The motion carried 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Chair Walsh read Recommendation 2, and asked for questions and comments. Major Meadows shared that placing DIAC within the Delaware Code has the potential to hinder law enforcement oversight operations. Senator Sokola stated we would need examples of mistakes made by codifying the agency. Senator Richardson expressed support for allowing DIAC the freedom to do their job, versus placing DIAC into the Code. Vice Chair Bolden asked if there were comparable fusion centers which were codified and if they were hampered. Major Meadows stated that it varies based on the unique needs of the population and the fusion center. Representative Spiegelman stated he did not see the public benefit of codifying DIAC. Representative Spiegelman motioned to strike Recommendation 2, seconded by Senator Pettyjohn. The motion carried 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Chair Walsh read Recommendation 3, and asked committee members for questions and comments. Major Meadows expressed gratitude for the consideration of possibly receiving funding for a new analyst. The Committee and DIAC representatives reviewed the estimated cost for the analyst position. Spence Price, of the Controller General’s office, clarified the cost breakdown of the position. Representative Spiegelman suggested language that should be included in a letter of support to the Joint Finance Committee due to the current financial climate. Representative Brady clarified Representative Spiegelman’s recommendation. Representative Richardson asked DIAC if the security risk was increasing or decreasing to the public. Meadows answered that due to online activity, new forms of terrorism are increasing in conjunction with radicalization, mental illness, and violent crimes. Representative Spiegelman motioned to adopt Recommendation Three, as amended and revised, seconded by Senator Pettyjohn. The motion carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0.

Chair Walsh read Recommendation 4, and asked committee members for questions and comments. Senator Pettyjohn motioned to adopt Recommendation 4, Option 2, seconded by Representative Bennett. The motion carried 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Chair Walsh reviewed draft legislation which clarifies the authority of JLOSC to recall entities previously released from review. Senator Pettyjohn motioned to move the draft legislation forward, seconded by Representative Spiegelman. The motion carried 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Chair Walsh announced that the next JLOSC meeting would take place on Thursday, April 27, 2017, at 12:00pm at Legislative Hall in the Senate Chamber. Vice Chair Bolden motioned to adjourn the meeting at 1:30pm, which was seconded by Representative Spiegelman and carried 9 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 1 absent (Representative Brady).

Respectfully prepared by:

Julie Fedele, JLOSC Analyst, Joint Legislative Oversight and Sunset Committee.

Access to the audio recording of this proceeding is available upon request.