



**STATE OF DELAWARE
LEGISLATIVE COUNCIL**

**Meeting Minutes
Tuesday, October 6, 2020**

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

In attendance: Mark Cutrona, Director, Division of Research/Legislative Council; Michael Morton, Controller General; Colinda Marker, Division of Research/Legislative Council Staff; David Deputy, House Minority Chief of Staff; Richard Puffer, Chief Clerk of the House; Valerie McCartan, Senate Majority Policy Director; Don Gerardi, Acting Director, Division of Facilities Management; Sheri Knott

AGENDA

1. Welcome – Rep. Schwartzkopf, Chair
2. Approval of September 1, 2020, Meeting Minutes
3. Legislative Council Report – Mark Cutrona, Director of the Division of Research
4. Controller General Report – Michael Morton, Controller General
5. New Business
 - a. 2021 Legislative Calendar - Michael Morton, Controller General
 - b. Legislative Hall Projects Update – Don Gerardi, Acting Director of Division of Facilities Management
 - c. New Legislator Orientation – Mark Cutrona, Director of the Division of Research
 - d. Organizing for the 151st General Assembly – Rep. Schwartzkopf, Chair
 - e. Personnel Matters**
6. Next Meeting – Wednesday, December 1, 2020
7. Adjournment

1. Welcome

Representative Schwartzkopf called the meeting of Legislative Council to order at 12:17 p.m. in the House Chamber. Rep. Schwartzkopf noted that Council was meeting in person in Legislative Hall, which remains closed to the public due to COVID-19 and a HVAC project currently requiring the Senate side of the building to be completely shut down. The meeting was broadcast to the General Assembly website; members of the public can send questions or comments to Legislative.council@delaware.gov or call the Division of Research at 302-744-4114. Rep. Schwartzkopf noted that members of Council were socially distanced in the chamber.

Rep. Schwartzkopf stated for the record the following people were in attendance: Senators McBride, Poore, Hocker, Cloutier, and Townsend; Representatives Longhurst, Mitchell, Short, and Dukes. Rep. Schwartzkopf noted he would announce the results of any vote taken.

2. Approval of September 1, 2020, Meeting Minutes

A motion was made by Senator McBride and seconded by Rep. Longhurst to approve the September 1, 2020, Legislative Council meeting minutes. Motion carried. Vote: 10 yes. Senators McBride, Poore, Townsend, Hocker, and Cloutier; Representatives Schwartzkopf, Longhurst, Mitchell, Short, and Dukes.

3. Legislative Council Director's Report – Mark Cutrona reviewed the status of the Division of Research. The division is doing well, staff is largely working from home due to the pandemic and the HVAC project that has now progressed to the Senate side of the building. Staff is comfortable working from home and managers' report they continue to be productive. Mr. Cutrona thanked the staff who continue to work from the Tatnall Building or Legislative Hall as needed; Vicki Schultes, Donald Sellers, Robert Lupo, Nathan Poore, Colinda Marker, Natalie White, Amy Tricarico, and Joel Rudnick.

Mr. Cutrona noted the Registrar of Regulations office has processed over 310 regulations in the last fiscal year, which totals over 4,500 pages of regulations from agencies that they have reviewed, edited for style, and published. He noted the most recent edition was published a week ago; it contained over 900 pages of regulations. There has been an increase in regulations due to the pandemic.

The Joint Legislative Oversight and Sunset Committee staff continue to prepare for the upcoming agency reviews. Some reviews from last year were cut short due to the pandemic. The staff recently created a survey seeking comments on the Health Resources Board. A link to the survey can be found on the Division's Twitter page.

The legal and research staff continue to assist members and staff in the interim and in preparation of the upcoming session. The division currently has 359 active legislation or research request for members that include assisting task forces with legal questions and preparing drafts for the upcoming session. The division is working on documents and plans for upcoming training including new legislator orientation and the annual drafting training for attorneys and other staff involved in bill drafting.

Mr. Cutrona thanked the Legislative Information Office staff who continue to process Governor's Advisories for subscribers, address constituent inquiries, and assist with drafting and other special projects. He also thanked the print shop staff for continuing to meet the legislature's printing and graphic needs, including mail merges, reports, and graphic design work.

Mr. Cutrona wrapped up by noting that Holly Vaughn Wagner is serving on the State Bar Journal's Advisory Committee in her spare time. She wrote the introduction to a series of reflections on the personal impact of the 19th Amendment as part of the Bars celebration of the 100th anniversary. Debbie Gottschalk wrote a reflection on how the amendment impacted her family and her seeking a career in law.

4. Controller General's Report – Michael Morton noted that his staff is also working from home. They are available to legislators and staff as needed.

Mr. Morton noted that the next DEFAC meeting will be held October 19 at 1:30p.m.

5. New Business

- a. **2021 Legislative Calendar** – Mr. Morton noted that the revised draft of the 2021 Legislative Calendar that was handed out last month which includes the usual break for JFC.

A motion was made by Senator McBride and seconded by Rep. Short to adopt the 2021 Legislative Calendar. Motion carried. Vote: 10 yes. Senators McBride, Poore, Townsend, Hocker, and Cloutier; Representatives Schwartzkopf, Longhurst, Mitchell, Short, and Dukes.

- b. Legislative Hall Projects Update** – Don Gerardi, Acting Director, Division of Facilities Management, provided an update on the Legislative Hall and Tatnall projects. Mr. Gerardi started by thanking Mark Cutrona and Mike Morton for their cooperation with the relocation of staff within Legislative Hall during the ongoing projects.

The Tatnall heat pump project should be complete at the end of October. The contractor will begin work on the punch list October 9. The windows project is progressing well, the total project should wrap up in December.

At Legislative Hall, the HVAC project is progressing well. Demo is estimated at 50% complete at this point. New units will be installed in the attic shortly. Final commissioning of the House side is being scheduled. For the Legislative Hall steps project, new steps have been completed on the north side, handrails are being fabricated and the estimated reopen date is October 21. South side treads are being installed and a new landing is being built to meet code. West side step closure is to be determined; notice will be provided prior to closure.

Representative Schwartzkopf noted several leaks in the past months from the air handlers, he inquired if floats were being installed to prevent this from happening again. Mr. Gerardi noted the floats will be installed within the next few weeks to shut the unit down to prevent this in the future.

- c. New Legislator Orientation** - Mark Cutrona directed council to the handouts with proposed agendas for New Legislator Orientation. Mr. Cutrona advised he and Holly Vaughn Wagner reviewed the program from the 150th General Assembly and sought to improve it by adding additional courses and consulting Chiefs and other staff in the building. He noted the program includes existing and new items and spans 6 days since the virtual meetings are half day only. Dates are not determined yet, but are expected to range from November to January before session starts. Mr. Cutrona indicated they are looking for input from Council and staff.

Senator Poore noted she doesn't see a session regarding social media and remarked on the importance of this topic. Mr. Cutrona stated that part of the orientation is to send new legislators to their caucus to have caucus specific discussions, he believes that training is covered then, but will reach out to explore if this is preferred as a caucus specific topic or general topic. Sen. Poore advised Drew Volturo was the person who addressed the topic. She noted legislators used these tools very differently. Rep. Longhurst added that the difference between campaign and legislative social media should be emphasized as well. Mr. Cutrona advised there are legal aspects as well that could be added to this discussion.

Representative Longhurst requested the addition of the history of Legislative Hall and the items in the chamber. Mr. Cutrona noted that he is planning on having Dick Carter provide an overview of the historical perspective of the General Assembly. Rep. Short agreed and noted the value he found in the official historical tour he took of the building so he could know what constituents are learning as they take this tour.

Representative Short inquired about the virtual status of the meetings. He stated he is of the opinion that these meetings should be in person and at some point there will need to be a return to the new abnormal. Mr. Cutrona noted he received feedback for some aspect of in person connection and will be looking at possibly adjusting the agenda.

- d. Organizing for the 151st General Assembly** – Representative Schwartzkopf noted the fact that legislators are elected on election night but don't take the oath of office until January. He stated he thinks legislators should take the oath as soon as possible but a ceremony could still be held in January. He suggested the very first thing legislators should do during the orientation is take the oath.

Rep. Short asked what the legal aspect of the change is. He noted that as of midnight election night legislators are called upon to take responsibility. He is concerned about sacrificing tradition. Rep. Schwartzkopf noted we could still observe tradition.

Sen. Townsend noted that judges are often sworn in in private and then have a public ceremony. He stated he would defer to others on the legality of status on election night vs the official swearing in.

Rep. Longhurst noted that if it is done for the new legislators it should be done for the existing legislators as well.

Mark Cutrona noted that legally nothing ties the swearing in to the first day of session, it has occurred earlier in the past. He noted that Delaware is one of 13 states that doesn't have a lame duck session, where one general assembly ends, and another begins. He noted that roughly half of these states have an organizational session in the interim to take care of these things and that could be looked at in the future.

6. Executive Session*

A motion was made by Sen. McBride and seconded by Sen. Poore to resolve into executive session to discuss personnel matters in which the names, competency, and abilities of individual employees will be discussed and to discuss the contents of documents excluded from the definition of a "public record". Motion carried. Vote: 10 yes. Senators McBride, Poore, Townsend, Hocker, and Cloutier; Representatives Schwartzkopf, Longhurst, Mitchell, Short, and Dukes.

Legislative Council reconvened after a vote to go back into regular session on the conclusion of executive session discussions.

7. Next Meeting - Tuesday, December 1, 2020

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