



House Administration Committee Meeting Minutes

1.18.22

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

Chair Longhurst called the meeting to order at 11:00 a.m. She stated that the meeting was planned in accordance with HCR 1 and took the roll call of the committee's members. Members included Speaker Schwartzkopf and Reps. Mitchell, D. Short, and Dukes. For a list of guests present, please see the attendance list below.

Chair Longhurst introduced **HB 289, AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.**

Rep. Heffernan, sponsor of the bill, explained that HB 289 allows liquor stores, farm wineries, breweries, micro-breweries, craft distilleries and wine auctions to provide curbside service to deliver alcoholic beverages to customers. It includes guidance from the Alcoholic Beverage Control (ABC) Commissioner and the Delaware Alcohol and Tobacco Enforcement (DATE) Chief. The liquor must be served to customers by a SafeServ certified person and has requirements prohibiting serving alcohol to those below the age of 21. This bill gives more businesses parity to HB290, which allows restaurants to provide curbside services of alcoholic beverages.

Rep. Dukes asked if curbside alcohol deliveries would be in a sealed container.

Rep. Heffernan affirmed that all alcoholic beverages must be sealed in the same way they are in stores.

Chair Longhurst opened the committee to public comment.

Robert Overmiller stated that he supports this legislation.

Edward Mulvihill, President of the Delaware Small Beverage License Council, thanked Rep. Heffernan and co-sponsors for the bill. Due to the Governor's executive order at the beginning of the COVID-19 pandemic in early 2020, establishments were given the ability to sell alcohol via curbside pickup, which Mulvihill stated was a popular choice. In April and May 2020, around 40 percent of his establishments' sales were curbside and stated older populations often still use this method.

Eric Williams, Legislative Chair for Delaware Brewer's Guild, thanked Representatives for helping their industry during the COVID-19 pandemic. He believes the bill is a tool that businesses can use to their advantage during the pandemic and is in full support of it.

Edward Cooper, Vice President of Public Affairs for Total Wine and More, thanked members of the committee for their time and for the bill. He stated the issue is extremely important to their customers and many have praised the curbside delivery during the pandemic and its customer convenience. It still protects against selling alcohol to anyone under 21 and ensure that anyone serving is a responsible alcoholic beverage server.

Ron Gomes, CEO of Painted Stave Distilling, supported this legislation, as it allows small businesses,

many of which have had to reinvent themselves during the pandemic, to responsibly serve customers. Painted Stave's ability to move products through the retail space into bars and restaurants remains down 60 percent relative to pre-pandemic levels, but state support has allowed his business to adapt and meet consumer's changing needs.

Chair Longhurst thanked Rep. Heffernan for her work on the bill and opened the floor to questions and comments from the committee.

Speaker Schwartzkopf noted that the pandemic has altered the way products are delivered and that many people have become comfortable with laws put into place via executive order during the pandemic. He voiced his support for the bill.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release HB 289 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, D. Short, Dukes); No= 0; Absent= 0. The bill was released from committee with a F=1, M=3, U=0 vote.

Chair Longhurst introduced **SB 204, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DRUG TESTING BY THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH, AND THEIR FAMILIES.**

Rep. Griffith, sponsor of the bill, stated that the bill will assist in the hiring process of employees for the Department of Services for Children, Youth, and their Families (DSCYF) by amending drug testing procedures to ease hiring constraints. It allows for conditional employment while waiting for the results of a pre-employment drug test. If a conditional employee then has an unsatisfactory result from the drug test, they will be terminated. Rep. Griffith then introduced Steven Yeatman, DSYCF Deputy Secretary.

Chair Longhurst stated that she is a cosponsor of the bill and asked Rep. Griffith to explain why the bill is needed.

Rep. Griffith stated that there are vacancies at the DSCYF due to the current testing wait times causing new hires to be unable to start training or receive compensation. Potential hires will often find other jobs before the drug tests and background checks have been completed. This bill would shorten the window and help increase staffing within the department. On June 30th, 2021, there were 21 vacancies at the DSCYF, as opposed to only 10 vacancies in 2020.

Chair Longhurst recognized DSCYF Secretary Josette Manning's work relating to this bill, although she was unable to attend the committee meeting.

Deputy Secretary Steven Yeatman stated that DSCYF currently provides a conditional offer of employment, but this bill would create a conditional hiring process instead where new hires can begin training. If the drug test results are satisfactory, they move ahead in the training process and can work with children. If the results are unsatisfactory, they are terminated. Regardless, before the drug test results return, they have no contact with children.

Chair Longhurst asked how many applicants fail to pass the background check for DSCYF positions.

Deputy Secretary Yeatman said that DSCYF posted the job 12 times between July and December 2021, receiving an average of 25 applications each time. 17 of those met minimum qualifications for the job; some of the remaining do not pass the drug test or background check, so the pool quickly dwindled down.

Yeatman did not have exact statistics on how many people failed to pass a background check or drug test but said he could provide that information later. Chair Longhurst replied that the answer had been satisfactory.

Rep. Dukes asked how much time this bill would save DSCYF.

Deputy Secretary Yeatman said that while drug testing sites are out of their control, conditional hiring could move the process along more efficiently. Training programs begin about once every two weeks and a process that is expedited by even 24 hours save the department two weeks if a conditional hire can begin their training regimen.

Chair Longhurst opened the committee to public comment.

Robert Overmiller said he is in favor of the bill because drug tests can take up to 10 days to come back and the department needs to hire new employees.

A motion was made by Rep. Mitchell and seconded by Speaker Schwartzkopf to release SB 204 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, D. Short, Dukes); No= 0; Absent= 0. The bill was released from committee with a F=1, M=3, U=0 vote.

Chair Longhurst adjourned the meeting at 11:22 a.m.

Respectfully submitted by:

Hannah Rigoglioso

Speakers List

Edward Cooper

Ron Gomes

Rep. Griffith

Rep. Heffernan

Edward Mulvihill

Robert Overmiller

Eric Williams

Steven Yeatman, Deputy Secretary of the Delaware Department of Services for Children, Youth, and their Families