

## **Senate Executive Committee Meeting**

**Official Minutes  
151<sup>st</sup> General Assembly  
Second Session**

**Committee Meeting  
Wednesday, June 22, 2022  
1:30 p.m.  
Hybrid (Senate Chamber & Virtual Zoom)**

### **Meeting Attendance**

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#### **Committee Members Present:**

Senator David Sokola	<a href="mailto:David.Sokola@delaware.gov">David.Sokola@delaware.gov</a>
Senator Bryan Townsend	<a href="mailto:Bryan.Townsend@delaware.gov">Bryan.Townsend@delaware.gov</a>
Senator Elizabeth Lockman (virtual)	<a href="mailto:Elizabeth.Lockman@delaware.gov">Elizabeth.Lockman@delaware.gov</a>
Senator Gerald Hocker	<a href="mailto:Gerald.Hocker@delaware.gov">Gerald.Hocker@delaware.gov</a>
Senator Brian Pettyjohn	<a href="mailto:Brian.Pettyjohn@delaware.gov">Brian.Pettyjohn@delaware.gov</a>
Senator Stephanie Hansen	<a href="mailto:Stephanie.Hansen@delaware.gov">Stephanie.Hansen@delaware.gov</a>

#### **Attendees (in person):**

Sen. Kyle Evans Gay  
Sen. Spiros Mantzavinos  
Sen. Dave Lawson  
Rep. Paul Baumbach  
Rep. John Kowalko  
Jason Clarke, CIO  
Christina Dirksen  
Kristin Dwyer  
Franklin Newton, Head of School  
Rony Baltazar-Lopez  
Samuel Mackey

#### **Organization:**

State Senate  
State Senate  
State Senate  
House of Representatives  
House of Representatives  
DTI  
DTI  
DSEA  
Newark Charter School  
Dept. of State  
Dept. of State

#### **Pre-Registered Attendees:**

Brandy Cahall  
Julie DeHaas  
David Davis  
Denise Clendenning  
Shannon Griffin  
Keandra McDole  
Christina Haas  
Eric Rittenhouse  
Jessica Garrison  
Matt Munsil

#### **Organization:**

Delaware State Police  
DSEA  
DSEA  
Citizen  
ACLU-DE  
Jeremy McDole Reform Now  
DE Dept of Insurance  
Elevator Constructors Local Union 5  
Citizen  
Citizens for Judicial Fairness

Rachel Turney  
Wendy Cannon  
Joe Williams  
Tammy Wagner  
Lisa Goodman  
Rebecca Trifillis  
James Dankel  
James Nutter  
Robert Hicks

DE Dept of Labor  
DSEA  
IUEC Local 5  
DSEA  
302 Strategies  
Justice of the Peace Court, State of DE  
Citizen  
Parkowski, Guerke, & Swayze  
Solix Technologies

**Staff in attendance:**

Valerie McCartan  
Read Scott  
Taylor Hawk  
Deanna Killen  
Keri Rapa  
Carolyn Martin Pettaway  
Jessica Davis  
Luke Smoker  
Mark Cutrona  
Deborah Gottschalk  
Robert Scoglietti

Senate Staff  
Senate Staff  
Senate Staff  
Senate Staff  
Senate Staff  
Senate Staff  
Senate Journal Clerk (IT assistance)  
IT assistance  
Legislative Attorney  
Legislative Attorney  
Office of the Controller General

**Agenda:**

Gubernatorial Nominations  
SB 332 (Mantzavinos)  
HB 395 w/ HA 1 (Baumbach)  
HB 434 (Griffith)  
HB 429 (Bush)  
HB 449 w/ HA 1 (Osienski)  
SB 314 (Lawson)  
HB 238 (Kowalko)  
HB 452 (Schwartzkopf)  
HB 453 w/ HA 1 (Schwartzkopf)  
HS 1 for HB 293 (Baumbach)

Senator Sokola convened the meeting at 1:33 p.m. and conducted a roll call. Sens. Sokola, Townsend, Hocker, Hansen, and Pettyjohn were marked present (in-person), and Sen. Lockman was marked present (virtual) at 1:43 p.m.

The first order of business was the approval of the June 8, 2022 committee meeting minutes. Sen. Sokola asked for a motion. Sen. Townsend made the motion and Sen. Hocker seconded. All members present voted in favor of adopting the June 8, 2022 committee meeting minutes. The June 15, 2022 committee meeting minutes are not yet finalized for approval.

The first portion of the meeting, beginning at 1:35 p.m., entailed the hearing of the Gubernatorial Nominees before the Committee:

COURT OF CHANCERY

APPOINT:

Nathan Cook

COMMISSIONER OF FAMILY COURT

APPOINT:

Kelly Hicks-Sheridan

ALDERMAN – DEWEY BEACH

APPOINT:

Hon. Kelly Pettyjohn

STATE BOARD OF EDUCATION

APPOINT:

Deborah Stevens

MERIT EMPLOYEE RELATIONS BOARD

APPOINT:

Dinah Davis-Russ

Joseph Pika, Ph.D.

At 2:23 p.m., Sen. Sokola moved to the legislative portion of the agenda:

**SB 332 – Mantzavinos - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES.**

*Synopsis:* Because 9-1-1 dispatchers work mostly 12-hour shifts, they face scheduling difficulties for filling out their 40-hour-work week and covering shifts for sick workers. This Act allows their overtime to be calculated based on a 14-day pay period to give them flexibility in scheduling shifts and covering for sick co-workers.

Sen. Sokola called on Sen. Mantzavinos.

Sen. Mantzavinos said SB 332 addresses 9-1-1 dispatchers who are often the first point of contact for members of the public. They are designated as first responders in the Delaware Code. Unlike other first responders, state 9-1-1 dispatchers must operate within a 40-hour work week, which aligns poorly with the demands of the job. This legislation seeks to allow overtime compensation to be calculated over a 14-day period versus a 7-day period, ensuring they are able to more efficiently and effectively perform in their role. Sen. Mantzavinos said Brandy Cahall a 9-1-1 operator is available for comment.

Sen. Sokola asked that Ms. Cahall come forward.

Brandy Cahall said they are trying to flex their schedules while still following federal guidelines. This has been done in several states, but in Delaware there is nothing in place allowing them to flex their schedules and work a different pay period. They are non-exempt and have to stay within the 7-day work week currently. They are seeking flexibility.

Sen. Sokola asked if there was public comment on SB 332.

No one indicated a wish to provide public comment.

**SB 332 was reported out of Committee: 0 Favorable; 5 On Its Merits (Sokola, Townsend, Hansen, Hocker, Pettyjohn).**

Sen. Sokola stated that members of the public may submit written comment on legislation on today's agenda up to 24 hours following the conclusion of this meeting.

The next bill on the agenda was HB 395 w/ HA 1

**HB 395 w/ HA 1 – Baumbach - AN ACT PROPOSING AN AMENDMENT TO § 3, ARTICLE II OF THE DELAWARE CONSTITUTION RELATING TO THE RESIDENCY OF THE MEMBERS OF THE GENERAL ASSEMBLY.**

*Synopsis:* This Act is the first leg of an amendment to the Delaware Constitution that would require legislators to remain domiciled in the districts they represent for the entirety of their term of office. Subsection (b) of this Act does not apply to sitting legislators who desire to change their residence to within the newly established district lines in order to continue to represent their district in the upcoming election. This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend the Delaware Constitution.

HA 1 ensures that a Senator or Representative is not deemed to have resigned their office if they are subject to an unforeseen event which results in their relocation outside of their district.

Sen. Sokola called on Sen. Gay to speak on this legislation.

Sen. Gay said HB 395 would put into our Constitution the requirement that a legislator remain domiciled in their district for the extent of their term. The bill provides for important exceptions. One, should there be a redistricting and the senator wish to move into the new district to represent that district, they may move prior to the end of their term. Two, if there is an unforeseen circumstance or natural disaster, they may be out of their district for a period of time to remedy that. Violations of the act would mean the legislator is deemed to have

resigned from office. This bill complements HB 183 which establishes a process for determining residency.

Sen. Townsend asks about the House Amendment and why the language was added. He's concerned it could give an individual a pass to move out of their district.

Sen. Gay said she could invite the legislative attorney to speak to that but added that the amendment would anticipate natural disaster-type circumstances. Having HB 183 as a complement would allow the Legislature flexibility in developing that law and the precedents we set.

*Note: HB 183 w/ HA 2, sponsored by Rep. Hensley, would create a process for the Commissioner of Elections to determine if a candidate or incumbent elected officials are residents of the district or area they represent or seek to represent. The purpose of this legislation is to require all candidates for State or county elected offices and incumbent elected officials to have their primary residential address in the area or district they represent or seek to represent. At the time of this meeting, HB 183 w/ HA 2 was out of Committee and on the Senate Ready List.*

Rep. Baumbach said the amendment was drafted to address issues such as fire or flood. That is the scenario about which the concern was raised.

Sen. Hansen said she had tornados in her district in August 2020 and many of those homes were demolished. It could have easily been her home – nine developments were impacted and displaced residents. She thinks this is very forward looking and necessary.

Sen. Townsend said there could be a medical event for a family member and there are no guardrails for how long one is allowed to live outside their district. The language seems fine for short-term circumstances, but he has concerns that it seems much broader than is the intent.

Rep. Baumbach said he is open to refinement of language in another amendment if needed.

Sen. Gay said the intent of the bill is not to punish someone who in good faith is attempting to comply with the requirement, but the Legislature should enact laws to assist the Dept of Elections with making these determinations.

Sen. Townsend said he is open to discussions about that and looking further at the language in HB 183.

**HB 395 w/ HA 1 was reported out of Committee: 0 Favorable; 5 On Its Merits (Sokola, Townsend, Hansen, Hocker, Pettyjohn).**

Sen. Sokola moved to the third item on the agenda, HB 434.

**HB 434 – Griffith – AN ACT TO AMEND CHAPTER 185, VOLUME 82 OF THE LAWS OF DELAWARE RELATING TO REALLOCATION OF TECHNOLOGY PERSONNEL AND EQUIPMENT FROM EXECUTIVE BRANCH AGENCIES.**

Synopsis: This legislation is based on information technology (“IT”) recommendations of the Government Efficiency and Accountability Review (“GEAR”) Board established by Governor Carney’s Executive Order Four. This act removes the sunset clause in 9016F (formerly 9016C) Chapter 90C of Title 29 of the Delaware Code and allows for the establishment of a shared IT services model for state agencies. The shared services model centralizes the following duties and related executive branch personnel under DTI: technology end user support, cyber security, network management, server management, data management, IT project management, software application development/support, IT procurement oversight, IT fiscal planning, IT standards, and technology governance. In addition to facilitating the delivery of technology services in a consistent and comprehensive manner, technology centralization will position the State to stay abreast of technologies to enable innovation and enhance services to Delawareans. IT centralization also supports regulatory compliance requirements (e.g. IRS, CJIS), network and data security, and provides controls for the overall State IT landscape and spend.

Sen. Sokola said this legislation is based on information and technologies recommendations from the Governor’s Government Efficiency and Accountability Review (GEAR) Board, Executive Order Four. He asked if committee members have questions. Seeing none, he then called on Jason Clarke from DTI.

Jason Clarke, Chief Information Officer, DTI, said this legislation represents the opportunity to address an expiration clause that was entered into around shared services. In order to deliver secure, reliable, and efficient technology services, DTI does have to address people and equipment at times, specifically related to core services. That is outlined and defines the shared services model.

Sen. Sokola recognized Sen. Lawson.

Sen. Lawson asked if the order supersedes Delaware Law, Chapter 86, where DELJIS (Delaware Criminal Justice Information System) is housed. Are there tech people being taken from DELJIS?

Mr. Clarke responded that it does not. There are no tech people being taken from DELJIS. His department has yet to evaluate DELJIS. Over the last three years, they’ve worked with Office of Management & Budget (OMB) and the Division of Human Resources (DHR) and are currently working with the Delaware State Housing Authority (DSHA) and Dual Gen. which is the dual generational center established by the Department of Labor (DOL) and the Department of Health & Social Services (DHSS). In no case do they take all state employees. This is specifically related to secure end services, and devices themselves. Regarding the network and connectivity, DTI already has core responsibility for the metropolitan and wide area networks. They address infrastructure around storage and backups, which has become important in order to remain federally compliant. DTI provides 2/3 of the state’s telephones.

They would continue to do that. They are the email provider for the state across all branches, including elected offices. That is then wrapped in security. Regarding DELJIS, there are specific roles that would be evaluated. DTI doesn't know yet if they are a fit. The same would apply to departments like the Department of Correction. In DOC, the individuals who take care of those devices are not DTI employees. They don't make a good fit for all places.

Sen. Lawson said his concern is that DELJIS is sensitive information and believes it is protected by its origin in Delaware Law. He didn't know how the executive order would supersede that or not.

Mr. Clarke said this is part of their shared services. This expiration clause came on the heels of the DHR transition, but there are no plans, nor is DTI or any entity capable of providing all IT services. Each agency needs their own skill sets specific to their applications. He is a member of the DELJIS board of managers and understands the concern raised. These particular roles they are looking at - where they derive value is the first goal - and second is consistency. Whether that means DTI facilitating every one of those - this doesn't include the judicial branch, for example. They have to work with OMB on funding and DHR on the position transfers if, in fact, they come about, and the Controller General's Office is involved in that process too. There are number of avenues to address the concerns Sen. Lawson raised. He will look at Title 86 and make sure it does comply.

Sen. Sokola asked if there was public comment on HB 434. Seeing none, he moved on to the next bill.

**HB 434 was reported out of Committee: 0 Favorable; 5 On Its Merits (Sokola, Townsend, Hansen, Hocker, Pettyjohn).**

**HB 429 – Bush - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE FINANCIAL PROTECTION PRODUCTS.**

Synopsis: This Act adds a "guaranteed asset protection waiver" to the instruments that are exempt from insurance regulation.

Sen. Sokola yielded to Sen. Mantzavinos.

Sen. Mantzavinos said this bill seeks to add a guaranteed asset protection waiver to the list of instruments that are exempt from insurance regulation. These are commonly known as gap waivers, are optional products consumers can purchase to cover any financial gap. In the event a person's motor vehicle is a total loss following an accident or theft, any amount of the insurance settlement is less than the amount of financing owed on the vehicle. Gap waivers can also cover the cost of wear and use under a motor vehicle lease agreement Gap waivers are a two-party contract, typically between a finance company and the person purchasing the vehicle. If a person purchases a gap waiver product and their vehicle is a total loss, the financing company waives any amount still owed under the vehicles financing agreement after

the application of insurance settlement proceeds. Delaware is only one of 11 states that doesn't have statutory guidelines regarding the status of these products. Currently they are relying on a 1994 Department of Justice (DOJ) opinion that determined gap protection products are not considered insurance under Delaware law. This bill provides certainty to the industry regarding the status of this product. Various industry representatives worked with the Department of Insurance (DOI) on this bill, and DOI is not opposed to this legislation. If a consumer has a complaint with this product, they currently contact the DOJ Consumer Protection Unit, and that will not change with the enactment of this legislation. A witness is available if there are any questions.

Sen. Sokola, seeing no comments from committee members, asked if there was any public comment. Seeing no public comment, HB 429 was circulated for signatures.

**HB 429 was reported out of Committee: 0 Favorable; 5 On Its Merits (Sokola, Townsend, Hansen, Hocker, Pettyjohn).**

#### **HB 449 w/ HA 1 – Osienski – AN ACT TO AMEND TITLE 24 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ELEVATOR MECHANICS.**

Synopsis: Presently there is no licensure mechanism in place in Delaware for elevator mechanics. This Act creates a new chapter in Title 24 and establishes a regulatory State Board of Elevator Mechanics consisting of 5 members appointed by the Governor including 1 public member, 1 member representing the elevator industry, 1 member primarily engaged in elevator repair or maintenance, 1 representing elevator inspection, consulting or engineering firms, and 1 representing a labor organization for elevator mechanics and apprentices. The Board has the responsibility of formulating rules and regulations consistent with the APA under Title 29. The Board, under its rules and regulations, will establish standards for licensure, as a master elevator mechanic and journeyman elevator mechanic and continuing education requirements. The Act sets forth grounds for discipline including suspension and revocation of a license. A finding that an individual has been found guilty of performing elevator mechanical work without a license, or under false pretense of being licensed, is a misdemeanor subject to monetary fines by the justice of the Peace court. There is a grandfather exception for individuals that have master electrical special elevator licenses at the time of enactment. The implementation date is the earlier of 6 months after enactment or when the Registrar of Regulations has been provided notice that rules and regulations have been promulgated.

HA 1 exempts from the chapter the performance of service and repair of any elevator in any structure by individuals working in a manufacturing or industrial facility who meets specific requirements.

Sen. Sokola called on Sen. Townsend.

Sen. Townsend said there is currently not a board overseeing Elevator Mechanics in the Division of Professional Regulation (DPR). This places them in the category of professions that receive oversight in the DPR framework. It is important that the industry is governed well.

Sen. Pettyjohn asked if there is currently no regulation at all.

Sen. Townsend said he is unsure that they are without anything but they do not have oversight by a Board like other Delaware professions governed under DPR.

Sen. Pettyjohn asked if there will be a grace period for these professionals to receive their licensure under the new board.

Sen. Townsend said the legislation is not meant to be onerous but to fill a gap with the current lack of a board. He said Sen. Pettyjohn's question would be answered as the bill moves forward.

Sen. Sokola called for public comment.

Joe Williams, IUEC Local 5, said they currently have an elevator license but are covered under the Electrical Examiners Board. This has created some problems as there is more work to this field including electrical, sheet metal, mechanical, carpentry, and pipe fitting. It is an extremely skilled trade, and they feel it would be more efficient to form their own elevator board within the industry to help streamline the process to get people licensed. The current license now is a Master Elevator Special under the Electrical Examiners. They would separate that out and have a Master Elevator Mechanic license. The current licenses are being renewed under the Electrical Examiners Board. They will have a two-year period before their licenses expire, which will give them time to set the rules and regulations, working with DPR, with which they have already spoken. They will renew and grandfather people in who are already licensed under the Electrical Examiners Board. The process would better enable the handling of this industry.

Sen. Sokola thanked Mr. Williams for his comments. There were no further comments on HB 449.

**HB 449 was reported out of Committee: 0 Favorable; 5 On Its Merits (Sokola, Townsend, Hansen, Hocker, Pettyjohn).**

## **SB 314 – Lawson - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOL SAFETY.**

Synopsis: This Act creates the Omnibus School Safety Fund ("Fund") to provide funding to public and charter schools for certain school safety projects. This Act appropriates \$65 million from the General Fund to the Fund in Fiscal Year 2023, which does not revert to the General Fund at the end of the Fiscal Year.

Sen. Sokola yielded to Sen. Lawson.

Sen. Lawson said the bill is the omnibus school safety fund which would have \$65 million in it. Schools could submit a safety plan and once that was approved could draw funding from this for hardening of their schools. He introduced this bill in 2018, but it was not considered. This is a substantial step in funding for our schools to make them safe. He understands there are competing bills but when you consider 261 schools, it takes a lot of money to secure those. This would go a long way to making our students and teachers safer. These funds would be available to charter schools as well as public schools.

Sen. Sokola said there was a bill heard earlier in the Education Committee today, Rep. Hensley's bill, which has \$10 million attached to it. He believes that is going through the Bond Bill process.

Sen. Lawson said \$10 million divided by 261 schools leaves about \$22,000 per school. It is not substantial. He appreciates Rep. Hensley's effort but doesn't think it goes far enough or is big enough.

Sen. Sokola said the school chiefs and Sec. Holodick and Sec. McQueen were involved in the discussions that came up with that \$10 million number. Some schools have already done this work, between the two authorizations in 2018 and 2019, and we've had a lot of relatively new schools built and they have been built to higher standards, including vestibule hardening. We started doing this quite a long time ago in response to the horrific incidents around the country. The school chiefs, the Department of Education, and Homeland Security came up with a number they are comfortable with. No one is comfortable with what can happen. In Texas in 2018 they said they had hardened their schools, authorizing \$600 million over the next four years, and yet they had another horrific event last month. He said he appreciates Sen. Lawson using his personal and professional commitment to this issue. He asked if he had spoken to Dr. Holodick or Sec. McQueen about this.

Sen. Lawson said he spoke with previous administrations, and this is the figure that they came up with at that time. The need for funding is going to be greatly increased, everything considered – because of the delay of time as well as inflation. He respectfully asks that the committee pass the bill out and support its funding.

Sen. Hansen asked if there has been discussion with Bond Bill or JFC to see if the money is available if we pass it.

Sen. Lawson said there is a lot of unencumbered money. The money is available and that is not a problem. It was available in 2018 too. Regarding Senate floor discussion on HB 450, Sen. Poore said they were looking into this bill to fund it.

Sen. Hocker said \$10 million in today's world to make sure our students are secured is very little money. Costs of materials are rising. We need to make sure every school knows there is sufficient money available to secure their school. \$10 million won't even touch it. Schools have to show their need in the request in order to receive these funds.

Sen. Lawson said schools need to know the money is available.

Sen. Pettyjohn said all \$65 million might not be used, but it's a pin, a placeholder. With our increased emphasis on safety in our schools, he is supportive of this. The commitment in passing this is the commitment from the General Assembly to make investment and progress in what we have seen in terms of holes in school security here in Delaware.

Sen. Sokola asked if anyone was present to offer public testimony.

Denise Clendenning said she supports SB 314. The reason hardening the school in Uvaldi, TX didn't work was because of school personnel and law enforcement failure. Officers were armed but the on-scene commander didn't give the call to act.

Shannon Griffin, senior policy advocate with ACLU-DE, said we have to decide if we want schools or prisons. She wonders where the proof is that hardening makes schools safer. Presumably school screening will detect contraband. The negatives outweigh the positive. To receive funds under SB 314, the schools must plan to have at least two people on staff who provide security and who carry a firearm. This is dangerous.

Jessica Garrison said she supports SB 314. This legislation will actually keep kids safe and thwart school shooters. She wishes the Legislature would care about security as much as gun control.

Kristin Dwyer, representing the DSEA, said they are supportive of HB 388 as amended (Rep. Hensley's bill) because improving school security is a complex issue that includes the physical makeup of the school, as well as the policies and practices of staff. Sen. Lawson's bill insists on funding at the higher degree. She asks that the two bills be combined in some way in order to meet all the needs that go into making a school safe. It is a delicate balance of the physical features of our schools in a way that does not compromise our values around learning. Schools were not built to be prisons or to be structures where we are screening students. Unfortunately, that is why these things happen – because the schools were not built in this way. As we move forward in this day and age, we have to think of all the issues around school security, not just the physical security of the schools.

Sen. Hocker asked for clarification about HB 388.

Ms. Dwyer said there is a school safety and security fund that was funded at \$5 million. HB 388, sponsored by Rep. Hensley, would expand the use of funding for constables and school safety personnel, and HA 1 expands the bill to go for programmatic purposes.

Sen. Sokola clarified that this fund was funded two years in a row at \$5 million each year.

Ms. Dwyer added that the current proposal is for \$10 million additional.

Sen. Hocker doesn't think that funding is sufficient.

Ms. Dwyer agreed.

**SB 314 failed to receive the required and sufficient votes to be released from committee and will remain in the Senate Executive Committee.**

**HB 238 – Kowalko - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PREFERENCES IN STUDENT ADMISSIONS TO CHARTER SCHOOLS.**

Synopsis: This Act repeals the ability of a charter school to give preference in student admissions to students residing within a 5-mile radius of the school. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Sen. Sokola noted that Rep. Kowalko was here previously. Sen. Sokola offered comment, saying he is not a sponsor of this bill and does not support it, but promised Rep. Kowalko he would hear the bill in committee. Sen. Sokola believes the bill has been misrepresented. Supporters of the bill have said that if we pass this then Newark Charter will have a feeder pattern that includes the entire Christina School District, including the non-contiguous portion of Wilmington. The fact is that, if the 5-mile radius is repealed, there is no feeder pattern for Newark Charter. Newark Charter could go through their charter process and amend it to just include Christina School District. He doesn't know if this would be educationally sound. He has served on various task forces and committees. One past report suggested the Christina portion in Wilmington be divided between Red Clay and Brandywine School District. He has never seen any committee, commission, or task force recommend that a district should have a base part and another part this is separated. It doesn't make any educational sense. He would much rather see some other option to address the real needs – such as the Redding Consortium to genuinely address those needs in all of the City of Wilmington. We need to expand best practices. He has begged for years for someone to do the Newark Charter core knowledge curriculum which came from Baltimore, MD. It makes a lot of sense, but it only makes sense if the teaching staff goes through the process that the curriculum requires.

Sen. Townsend said he would be brief given that time is still needed for public comment and the Senate was to go into session 10 minutes ago. There is near unanimous concerns among committee members about the legislation and the way it is structured. Public schools were once not as segmented and divided as they are now. It is sad the way our school systems are structured and sad that neighbors don't know one another because numerous school buses come into a neighborhood to take kids to different schools. That said, this bill is not the solution. Newark Charter's demographics are more diverse than the surrounding community. He thinks there have been changes over the years that have led to that greater diversity. He is sad to see the tensions between the Christina School District and Newark Charter. He doesn't think the solution is to perpetuate a system where kids go to school so far from their homes. The solution is not to continue some of the framework we have. He understands the frustrations that have motivated this legislation over the years but believes they are no longer applicable to the demographics or the way our school districts should be structured, however

well motivated those concerns are. He represents an area where most people do not think this is the answer.

Sen. Pettyjohn agreed with his fellow committee members.

Sen. Sokola asked if there was public comment.

Franklin Newton, representing Newark Charter, said when the Legislature wrote the charter school law, they included certain enrollment preferences to allow parents to be connected to the school. It is universally agreed that parent involvement realizes student achievement. He agrees with comments made by the committee, and they are in opposition to HB 238 because it does not solve the problems. They are willing to partner with and participate in the reform of Delaware education and have put that forward. He appreciates the time the committee has spent looking at this and reviewing the data and information that's available.

Sen. Sokola recognized to Rep. Kowalko.

Rep. Kowalko said the bill is a simple one. This is an ongoing effort that he's made dating back eight years. His interest is in repealing the 5-mile radius rule which is reflected in denying appropriate admissions opportunities in the Christina School District. This has obstructed school choice. Newark Charter is a public school and when you put limitations on school choice, like admission, then you are causing a de facto segregation, not just by race, but by socioeconomic status as well. Wilmington-area parents pay the same taxes that all Christina parents pay, and they are not allowed access to this school. This is not meant as an attack on Newark Charter, but rather is meant to give the opportunity to get into Newark Charter's lottery system. All of the Wilmington matriculating 8<sup>th</sup> graders are bussed to Newark high schools. Perhaps we should have a high school in Wilmington, but a publicly funded, public school should have unlimited accessibility as do all the other choice schools in the area.

Sen. Sokola said he agrees with Rep. Kowalko in that one of the specific recommendations of the Wilmington Neighborhood Schools Committee, chaired by Sen. Margaret Rose Henry, was to build a comprehensive high school in the City of Wilmington. All the schools presently are either vo-tech, charter, or performing arts. There is not a traditional high school within the City of Wilmington, and that is a real weakness. He appreciates Rep. Kowalko's service, and they have agreed on most issues, although not this one.

Sen. Sokola seeing no further public comment, HB 238 was circulated among committee members.

**HB 238 failed to receive the required and sufficient votes to be released from committee and will remain in Executive Committee.**

**HB 452 – Schwartzkopf - AN ACT PROPOSING AMENDMENTS TO THE DELAWARE CONSTITUTION RELATING TO TECHNICAL CORRECTIONS.**

**Synopsis:** This Act is the first leg of an amendment to the Delaware Constitution to make necessary technical corrections identified by the General Assembly's Division of Research. Specifically, these technical corrections consist of the following: Section 1 and Section 12 of this Act work in concert to transfer the date of the commencement of the terms of the members of the General Assembly from the Constitution's Schedule to Article II (relating to the General Assembly) to avoid confusion and for ease of locating this information. Section 2 of this Act deletes § 24 of Article II of the Delaware Constitution to remove antiquated language to conform the Delaware Constitution to existing practice. This Section dates back to the Delaware Constitution of 1792 when the State Treasurer was also considered what we now know as the State Accountant, the Budget Director, the Director of Revenue, and the Secretary of Finance. The purpose of this Section was to provide the General Assembly with one, detailed report indicating that the State's books were balanced, and finances were being managed properly. Over time, as other, more specific roles were created within State government, the State Treasurer's role in these aspects were shifted to other executive branch officers. Today, this constitutional requirement is now being met by several different state agencies in several different forms, all culminating in final products overseen by entities like the Delaware Economic and Financial Advisory Council (DEFAC), the Cash Management Policy Board, and the General Assembly itself, and take the form of final reports issued to the General Assembly, administrative paperwork, and legislation like the annual appropriations act and annual capital improvement act. Section 3 of this Act corrects a codification error. The sentence stricken in Section 3 of this Act was originally to be struck by Chapter 607, Volume 50 of the Laws of Delaware in 1956. However, the sentence remains in the Delaware Constitution to this day. See Opinion of the Justices, 405 A.2d 694, 697 fn. 6 (1979). Section 4 of this Act updates the name of the State officer and State agency involved in determining whether the Governor is able or unable to discharge the Governor's duties, which has changed since the adoption of this Section in 1969. Section 5 and Section 13 of this Act work in concert to transfer the date of the commencement of the terms of certain State and County elective executive branch officers from the Constitution's Schedule to Article III (relating to the Executive) to avoid confusion and for ease of locating this information. Section 6 of this Act designates § 2 of Article V to make an internal reference clear. Section 7 of this Act makes changes to ensure the accurate adoption of an amendment to the Constitution proposed in 1998 by 71 Del. Laws, ch. 398. The amendment proposed in 1998 was proposed by Senate Bill No. 277 of the 139th General Assembly, which was later replaced by Senate Substitute No. 1 to Senate Bill No. 277. Senate Substitute No. 1 to Senate Bill No. 277 passed the General Assembly. When the 140th General Assembly concurred in the proposed amendment, the General Assembly used the language of Senate Bill No. 277 instead of Senate Substitute No. 1 to Senate Bill No. 277. See 72 Del. Laws, ch. 437 (Senate Bill No. 394 of the 140th General Assembly). This change ensures the original intent to concur in the language of Senate Substitute No. 1 to Senate Bill No. 277 is achieved. To properly achieve this change, the version of § 6 of Article V that existed before the passage of 72 Del. Laws, ch. 437 is shown as struck through in this Section. Section 7 of this Act also makes additional technical corrections to conform existing law to current practice and to the standards of the Delaware Legislative Drafting Manual. Sections 8 and 9 of this Act hyphenates "three fourths" to ensure consistent hyphenation of the supermajority vote requirements throughout the Constitution. Section 10 also makes additional technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual; specifically, to ensure use of the serial comma in two

places in this Section. Section 10 of this Act corrects an incorrect reference to another provision of the Delaware Constitution. The reference to “Section 30” has existed in Section 7 of Article XV of the Delaware Constitution since its adoption in 1897; however, in 1951, a constitutional amendment was adopted to reorganize Delaware’s Judiciary. See 48 Del. Laws, ch. 109. That reorganization resulted in deletion and renumbering of Sections originally contained in Article IV of the Delaware Constitution, as adopted in 1897, but did not account for the internal reference to Section 30. Section 11 of this Act hyphenates “two thirds” to ensure consistent hyphenation of the supermajority vote requirements throughout the Constitution. House Bill No. 130 of the 151st General Assembly proposes an amendment to this Section and makes a technical correction to the first “two thirds” but not the second. This Section is intended to ensure that, on the 152nd General Assembly’s concurrence in House Bill No. 130 and this Act, the correct hyphenation of “two thirds” is achieved throughout this Section. This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend the Delaware Constitution.

**HB 453 w/ HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GENERAL ASSEMBLY.**

Synopsis: This Act makes necessary updates to Delaware Code provisions codifying procedures related to the General Assembly to bring these provisions into compliance with current practice and to make technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. This Act makes the following substantive changes to these provisions: (1) In Section 8, repeals a procedure that, after the enactment of the Delaware Constitution of 1897, is no longer part of the legislative process. And, in Sections 17, 18, and 19 makes conforming repeals. (2) In Section 9, updates the amount of additional compensation paid to members of the General Assembly who are elected to leadership positions or appointed to serve on a joint committee, consistent with the amounts authorized under the most recent report of the Compensation Commission. (3) In Section 10, updates the amount of the stipend paid to members of the General Assembly consistent with the amount authorized under the most recent report of the Compensation Commission. (4) In Section 13, updates the process for appointing a bill clerk for the Senate and House of Representatives and the duties of the bill clerk. (5) In Section 14, removes the Passed Bill Committee (“Committee”), which has not existed since the mid-1960s. The Committee’s duties related to management and tracking of passed and enacted legislation are reassigned to the Secretary of the Senate and Chief Clerk of the House of Representatives, who have these duties currently. The Committee’s duties related to engrossing legislation are reassigned to the Division of Research, which has these duties currently. The Division is authorized to correct manifest clerical, typographical, and grammatical errors discovered in the engrossment process and required to proofread the engrossment before release to ensure an accurate engrossment of the amendment to the legislation. (6) In Section 15 and 16, changes references to “print” or “printing” to “publish” or “publication” in recognition of 21st Century methods of distributing information. (7) In Section 22, replaces the requirement that a proposed amendment to the United States Constitution be approved by two-thirds of the members of the General Assembly with a requirement that it be approved by a simple majority

vote. The two-third vote requirement is unconstitutional under the Delaware Constitution because it conflicts with Section 10 of Article II of the Delaware Constitution, which provides for the passage of legislation by the concurrence of a majority of members elected to each house. The General Assembly cannot alter the requirement of a majority vote without an amendment to the Delaware Constitution. See Section 512 of Mason's Manual of Legislative Procedure (2020).

HA 1 makes a technical correction.

Note: Time allotted for the committee meeting did not allow for discussion on the above bills. The chair circulated HB 452 and HB 453 w/ HA 1 to committee members for consideration and signature.

**HB 452 was reported out of Committee: 0 Favorable; 5 On Its Merits (Sokola, Townsend, Hansen, Hocker, Pettyjohn).**

**HB 453 w/ HA 1 was reported out of Committee: 0 Favorable; 5 On Its Merits (Sokola, Townsend, Hansen, Hocker, Pettyjohn).**

Senator Sokola asked if there was a motion to adjourn the meeting. Sen. Pettyjohn made the motion to adjourn, and Sen. Hansen seconded the motion.

Senator Sokola, without objection, adjourned the meeting at 3:22 p.m.

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### **Meeting Minute Preparation**

Minutes completed by Valerie McCartan, 6/27/2022

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### **Approval of Meeting Minutes**

Meeting minutes approved on Wednesday, June 29, 2022 on a motion by Sen. Pettyjohn, seconded by Sen. Townsend, and with no objection from members of the committee.