



PETER C. SCHWARTZKOPF
MAJORITY LEADER
Fourteenth District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Ethics, Chair
House Administration, Chair
House Rules, Chair
Gaming & Pari-mutuels
Veterans Affairs

House Administration Committee
Meeting Minutes
June 16, 2010

Chairman Schwartzkopf called the meeting to order at 3:40 pm. Members present included Speaker Gilligan and Representatives D. Short, Cathcart and Longhurst. For a list of guests present, please see attached.

Chairman Schwartzkopf started by calling on Rep. Atkins to introduce his bill, **HOUSE BILL 357, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LIMITING THE AUTHORITY OF PUBLIC BODIES TO REGULATE ARMS**. He stated that this bill is a constitutional issue for public housing residents to have firearms. He brought up that public housing residents should have the same rights as everyone else.

Chairman Schwartzkopf agreed and asked for any comments. Paulette Sullivan Moore, previous public housing resident, stated that she does not like HB 357 because public housing is for the poor and poor people do not own fire arms for hunting purposes. She brought up that the dense quarters of public housing creates too much of a possibility for children to get hold of these weapons and be killed. She concluded by saying that she would rather the committee look to get the populations out of public housing than worry about their ability to own firearms.

Chairman Schwartzkopf asked for a motion. Rep. Cathcart motioned to release the bill from committee; Speaker Gilligan seconded the motion. HB 357 was released from committee on a 0-5-0 vote.

Chairman Schwartzkopf then called on Rep D. E. Williams to address **HOUSE BILL 465, AN ACT PROPOSING AN AMENDMENT TO ARTICLE III AND THE SCHEDULE OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE RECORDER OF DEEDS**. Rep D. E Williams stated that this bill will eliminate the constitutional provisions requiring the Recorder of Deeds to be an elected office. He then said that this was brought up by the governor's office for government efficiency and cost saving in the recording of deeds. He stated that right now, counties have their own process of recording deeds; this bill will make all the regulations for the recording of deeds a statewide issue.

Rep D. E. Williams then brought up how there will be a resolution to this bill, which will state what the most efficient way to consolidate will be. He then brought up that through a cost-benefit analysis the state will be able to come up with the most efficient way of recording deeds. He concluded by saying that this is only the first leg of a constitutional amendment and by passing this bill today nothing will happen until the next General Assembly.

Chairman Schwartzkopf then brought up that he has grouped four bills into two groups **HOUSE BILL 465, AN ACT PROPOSING AN AMENDMENT TO ARTICLE III AND THE SCHEDULE OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE RECORDER OF DEEDS.** with **HOUSE JOINT RESOLUTION 12, RECOMMENDING THAT THE COUNTY RECORDER OF DEEDS NO LONGER BE AN ELECTED OFFICE AND THAT A WORKING GROUP BE ESTABLISHED TO DEVELOP RECOMMENDATIONS FOR CREATING A SINGLE STATEWIDE RECORDATION SYSTEM, THEREBY MAKING STATE AND COUNTY GOVERNMENT MORE EFFECTIVE AND EFFICIENT.,** and **HOUSE BILL 468 AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, ARTICLE IV, AND THE SCHEDULE OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE REGISTER OF WILLS.** with **HOUSE BILL 13, RECOMMENDING THAT THE COUNTY REGISTER OF WILLS NO LONGER BE AN ELECTED OFFICE AND THAT A WORKING GROUP BE ESTABLISHED TO DEVELOP RECOMMENDATIONS TO TRANSFER THE DUTIES OF THE REGISTER OF WILLS TO THE COURT OF CHANCERY, THEREBY MAKING STATE AND COUNTY GOVERNMENT MORE EFFECTIVE AND EFFICIENT.** Chairman Schwartzkopf then asked Rep. D. E. Williams to explain HJR 12. Rep. D. E. Williams then explained that this resolution creates a work group to study the deed system in order to create a statewide system that will be fiscally sound. He stated that this group will ensure the counties net revenue and growth stay the same, employees will keep their benefits and the new system will end up helping counties. He then proclaimed that this resolution is not just the state taking over, this will enable counties and help them maintain revenue.

Rep. D. Short then stated that the wording of “No longer be an office” in the title of the bill seems they already know they will get rid of the office. Rep. D. E. Williams stated that getting rid of the office is not yet set in stone. Rep. D. Short then followed up by saying that it alludes to the fact that the office will be eliminated in the synopsis and he cannot support this legislation due to its premise and language.

Rep. Cathcart then asked if there was a document showing that there are inefficiencies that has lead to the creation of this bill. Stephanie McClellan, of the governor’s office, commented that there is no study for inefficiencies, but the

governor is concerned with all inefficiencies and where there are overlaps. She stated that there are clearly overlaps and that does not mean that they will eliminate officials, but they just want to overcome overlaps.

Rep. Cathcart then commented that the use of the wording “more efficient” implies that there is an inefficiency going on right now. Rep. D. E. Williams then stated that they are not implying inefficiencies; they are just saying that there could be overlaps. Rep. Cathcart followed up by saying that this bill is putting the cart before the horse for the creation of the commission. He stated that whether or not the state should monitor the recording of deeds, these bills are not the way to go about it.

Rep Briggs-King commented that counties are efficient. She stated that they have spent a lot of money on new technologies to bring about a more efficient system and should not be looked at as being inefficient. Ms. McClellan then stated that this resolution looks to get rid of new costs incurred and will set up this commission so that when the commission has a conclusion (on to what needs to be done to run efficiently) government can act quickly.

Rep. Cathcart then stated that he does not want to be asked to take a large leap of faith for this legislation and would prefer that the next General Assembly take care of this situation because they are the ones who will have to live with the effects.

Chairman Schwartzkopf commented that he understands why the administration and legislators would want this bill to go through, but he is concerned about the counties’ revenue. He brought up that the two-year swing is a big deal and the resolution should look closer at the counties’ revenue. Rep. D. Short then commented that he believes that the government closest to the people governs best and that he does not want to see the number of state employees increase at the cost of county employees. Ms. McClellan then followed up by saying that the work group will figure this all out and that there may be a need for more employees.

Rep. Cathcart then stated that there will probably be a need for more employees but the question is, will the state be making the system more efficient or will there be more jobs, roles and tasks that will end up costing more money.

Dave Baker, of the Sussex County Council, then stated that he is opposed to this legislation. He brought up that he does not know where the cost savings are coming from – the state or the county. He then commented that statewide programs cause many concerns for counties.

P. Brooks Banta, of the Kent County Levy court, stated that Kent County is unanimously against this legislation. He commented that the currently government structure is working well, efficiently and most are given awards in

performance and accountability. He concluded by saying that this working group creates too many committees and bodies for this state.

Next, George Smiley, of the New Castle County Council, stated that the wording in these bills portrays to New Castle County that jobs are at stake and that sends a bad message. He then commented about the county gaining the same amount of revenue. He brought up that right now, the counties are on the low side and they would like to have higher revenue and not stay the same. He stated that counties should also have the choice for what this possible group comes up with and that New Castle County does not support these bills.

Nicole Majeski, a representative from the New Castle County Executive's Office, stated that the county would like to work together with the state to make this system more efficient. She commented that the county is concerned with the possible loss of revenue and whether or not the employees will be taken care of. Jody Sweeney, of the Kent County Levy Court, also spoke out saying that he does not support this legislation.

Next, Sam Wilson, of the Sussex County Council, stated that he appreciates the comments made by the committee, and then pointed out that there are many in the county that are opposed to these measures. Betty Lou McKenna, Kent County Recorder of Deeds, next spoke about her office and how it is run very efficiently. She stated that their legal community would let them know if they were not running efficiently.

Michael Kozikowski, New Castle County Recorder of Deeds, stated that the county workers have been working closer together and that their library system went wireless in 2004 to save money. He commented that the state needs to do more work to see what decisions will be made in the government entities.

Rep. Hudson then commented that she has removed her name as a sponsor from these bills. She stated that she is uneasy due to the vast amount of people that are not on board with this legislation, and that she withdraws her support.

Chairman Schwartzkopf asked for a motion for HB 465, HB 468, HJR 12 and HJR 13. Representative Cathcart motioned to table the bills; Speaker Gilligan seconded the motion. HB 465, HB 468, HJR 12 and HJR 13 were all respectfully tabled.

Chairman Schwartzkopf then called up Rep Lavelle to address **HOUSE BILL 369, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT**. Rep. Lavelle stated that this bill relates to the recording of public funds, which will be made available for the public to review. Chairman Schwartzkopf then asked if the definition of the phrase "non-security report," which was found in the bill, was a legal term. Rep. Lavelle stated that he does not know but that he would find out.

Chairman Schwartzkopf asked for a motion. Representative Cathcart motioned to release the bill from committee; Representative D. Short seconded the motion. HB 369 was released from committee on a 0-5-0 vote.

Next, Chairman Schwartzkopf called up Rep. Outten to introduce **HOUSE BILL 472, AN ACT TO AMEND TITLE 1 OF THE DELAWARE CODE ESTABLISHING A VIETNAM VETERANS DAY.** Rep. Outten stated that this bill establishes Vietnam War Veterans Day in Delaware on March 30. He commented that this bill will recognize veterans who gave their lives in that brutal war. Rep. Jaques then stated that the March 30 date is the national date. Rep Cathcart commented that this is an outstanding idea and it is been over due.

Chairman Schwartzkopf asked for a motion. Representative Cathcart motioned to release the bill from committee; Representative D. Short seconded the motion. HB 472 was released from committee on a 0-4-0 vote.

Chairman Schwartzkopf then called up Rep Hudson to address **HOUSE BILL 366, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF CONSULTANTS AND CONTRACTORS TO AGENCIES.** Rep. Hudson stated that is an open government bill that shows constituents where their money is being spent when it comes to internet consultants. She stated that constituents complain about not being able to see these records and this bill will solve that.

Burt Scoglietti, from the Office of Management and Budget, stated that he had worked on the fiscal note and that the scope of this bill is for anything that has a contract or not. He stated that the contracts will be online and that residents cannot receive all of the information involved with these contracts and that may create some ambiguity. Rep. Hudson then asked Mr. Scoglietti if the contract listing will make the system more complicated and was he saying that the state just lists the consultants.

Chairman Schwartzkopf told Rep. Hudson to re-examine this legislation and then asked for a motion. Representative Cathcart motioned to release the bill from committee; Representative D. Short seconded the motion. HB 366 was released from committee on a 0-4-0 vote.

Chairman Schwartzkopf adjourned the meeting at 4:45 pm.

Respectfully submitted by,

Trevor Felix