



**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 9, 2010

Chairman Schwartzkopf called the meeting to order at 3:38 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 introducing **HOUSE BILL 449, AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO PLANNING & ZONING**. He stated that this bill changes one word from “representatives” to “council,” for the districts on which Sussex County Planning & Zoning Commission appointments are based.

Chairman Schwartzkopf asked for a motion. Rep. Cathcart motioned to release the bill from committee; Rep. Short seconded the motion. HB 449 was released from committee on a 0-5-0 vote.

Chairman Schwartzkopf then chose to address **HB 358, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO FISCAL PROJECTIONS**, and recognized Rep. D. Short, the bill’s sponsor. Rep. D. Short explained that currently fiscal notes received from the Controller General’s office only consider the negative costs, and do not include positive implications of a bill. For example, adding table games in Delaware added 750 jobs, but job creation is not part of the information provided in fiscal notes. He stated that this would not increase the burden on the Controller General’s office and would provide a better financial picture. Speaker Gilligan noted that it is important to know as much as possible about the impact of legislation, but stated that this would most likely mean that it would take longer to develop the fiscal notes and could delay the process. Rep. D. Short stated that the bill requires information “as accurate as can be reasonably obtained,” and would not hold up the process substantially.

Representative Cathcart motioned to release the bill from committee; Speaker Gilligan seconded the motion. The bill was released from committee on a 0-4-0 vote.

Chairman Schwartzkopf then addressed **HB 369, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT**. Chairman Schwartzkopf explained that the sponsor of the bill, Rep. Lavelle, was absent from session and requested the bill not be heard that week.

Speaker Gilligan motioned to table the bill; Rep. Longhurst seconded the motion. At the request of the sponsor, the bill was respectfully tabled.

Chairman Schwartzkopf then chose to address **HB 425, AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS**, and recognized Rep. Jaques, the bill's sponsor. Rep. Jaques explained that this bill came about as an issue of fairness for minority parties as a result of the passage of HB 245, which was passed in February. The bill changed the number of signatures needed for a political party to be listed on a general election ballot. Because HB 245 was passed during an election year, HB 425 defers implementation of the new requirements until after the current election, and the previous requirement of 5/100 of 1 percent of registered voters would be in effect for the upcoming general election.

Chairman Schwartzkopf asked for clarification that the bill passed would affect political parties for the next session; Rep. Jaques agreed with the statement. Rep. Cathcart asked if this bill was brought about by a lawsuit or threat of lawsuit, and whether or not this would resolve the lawsuit. Rep. Jaques stated that the charging party indicated that they would probably dismiss their case should this bill pass. Rep. Cathcart stated that he predicts the lawsuit does not go away regardless.

Speaker Gilligan motioned to release the bill from committee; Rep. Longhurst seconded the motion. The bill was released from committee on a 0-3-0 vote.

Chairman Schwartzkopf then called upon Rep. Lee to speak on behalf of **HOUSE BILL 439, AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, TO ALLOW THE TOWN OF LAUREL TO FINANCE THE ELIGIBLE COSTS OF QUALIFYING PROJECTS AND ITEMS FOR A TAX INCREMENT FINANCING (TIF) DISTRICT AND A SPECIAL DEVELOPMENT DISTRICT CREATED BY THE TOWN OF LAUREL UNDER SECTION 36A OF THE CHARTER, WHETHER ANY SUCH PROJECT OR ITEM WILL ULTIMATELY BE OWNED BY THE TOWN OF LAUREL OR BY THE STATE OF DELAWARE OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR ANY COUNTY, LOCAL POLITICAL SUBDIVISION, INSTRUMENTALITY, AGENCY, BODY POLITIC, UTILITY DISTRICT, OR SIMILAR ENTITY WITHIN THE STATE OF DELAWARE**. Rep Lee stated that this bill comes from the mayoral council and creates a tax increment finance district for the Town of Laurel. He

then commented that this finance district will help finance the infrastructure and other uses around the Town of Laurel.

Chairman Schwartzkopf asked if there were any questions. Speaker Gilligan then asked Rep. Lee if this bill is what the residents want. Rep Lee responded by saying that the residents are in favor of this bill.

Chairman Schwartzkopf asked for a motion. Speaker Gilligan motioned to release the bill from committee; Rep. Short seconded the motion. HB 439 was released from committee on a 0-5-0 vote.

Next, Chairman Schwartzkopf called upon Rep. Blakey to introduce **HOUSE BILL 431, AN ACT TO AMEND CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF WYOMING.** Rep. Blakey commented that he had brought constituents from the Town of Wyoming to speak on behalf of this bill. He stated that this bill is a lengthy document and a complete re-write of the charter of the Town of Wyoming.

Barrett Edwards, Town of Wyoming Attorney, then commented that this bill is for the adoption of a new charter. He stated that the bill adds various changes to the old charter but most of the information stays the same. Mr. Edwards brought up changes for the seat of mayor; this bill changes the mayor's term from 2 years to a 3-year term. It also adds "or" to the language for crimes that a mayoral candidate could commit, which makes it more stringent for prospective mayoral candidates. He then brought up restrictions for the board of elections members; he stated that the bill says that no board of elections member can be a candidate for, in the immediate family of, or an elected official. Mr. Edwards then commented that the bill also limits the town's police to the town's boundary, unless they are in hot pursuit.

Mr. Edwards then brought up what was deleted from the previous charter. He commented that the language relating to water, sewer, board of health and zoning were taken out of the charter either because they do not take care of those duties or if it was written somewhere else. Mr. Edwards then directed the attention of the committee to line 914-919 relating to the replacement or carrying of poles (telephone, power, etc.) and said that section will be taken out of the final copy of the bill.

Chairman Schwartzkopf then asked about the change in the assessment of taxes and if that was done as part of a council. Mr. Edwards said that it was. Chairman Schwartzkopf then asked Bonnie Metz, Verizon Representative, if she is able to remove the poles, which was cited in lines 914-919. Ms. Metz commented that Verizon is able to remove the poles.

Speaker Gilligan then asked why this change in charter was necessary. Mr. Edwards stated that there were many provisions that needed to be added as well as unnecessary language that needed to be removed.

Ms. Metz then commented that she and Mr. Edwards will look at lines 914-919 more closely and that the bill will be ready to be read in later in the afternoon. Chairman Schwartzkopf asked if there were any public comments. Andy Stayton, MDDC Press Association, then commented that he is concerned that when the town announces the annexation of territory, it does not have to go into the newspaper.

Rep. D. Short then commented that it may be an issue with how people find out about this annexation. Speaker Gilligan then asked how much a newspaper ad would cost. A town board member then commented that it could cost somewhere around \$200. Rep. D. Short then commented that a newspaper ad costs less than a law suit.

Rep. Cathcart then stated that in his time with New Castle County, they signed into code legislation that said when property is annexed a 4 by 4 sign must be posted on the property. He then brought up how annexation should be in the newspaper at least once a week because that can resolve some civil actions.

Chairman Schwartzkopf then stated that the 4 by 4 sign is a good idea and should be looked at by the town. He also pointed out that the newspaper ad is not a reoccurring cost.

Chairman Schwartzkopf asked if there were any more questions. Seeing none, he asked for a motion. Rep. Cathcart motioned to release the bill; Speaker Gilligan seconded the motion. HB 431 was released from committee on a 0-4-0 vote.

Chairman Schwartzkopf adjourned the meeting at 4:20 pm.

Respectfully submitted by,

Trevor Felix