

VALERIE J. LONGHURST
Majority Leader
STATE REPRESENTATIVE
15th District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
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House Rules, Chair
Legislative Council
Manufactured Housing

**House Administration Committee Meeting Minutes
06.16.22**

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

Chair Longhurst called the meeting to order at 12:01 p.m. Members included Speaker Schwartzkopf and Reps. Dukes, D. Short, and Mitchell.

Chair Longhurst reintroduced **HB 220, AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO PROTECTING DELAWARE'S NATURAL RESOURCES**. HB 220 was first introduced in the House Administration Committee meeting the previous day.

Chair Longhurst opened the committee to public comment and virtual public comment, continuing public comment from the previous day.

Rick Moore, Lewes resident and candidate for Mayor of Lewes, spoke in support of HB 220. He does not feel that the amendment is too broad. He discussed a city in Pakistan that has experienced 11 weeks at an average temperature of 117 degrees Fahrenheit, which prompted the American Medical Association to officially declare climate change a public health crisis. He addressed DNREC Secretary Shawn Garvin's comments about frivolous lawsuits, saying there are no examples of such. In Lewes, there are multiple examples of frivolous lawsuits from developers.

Kerri Evelyn Harris, Dover resident and activist, spoke in support of HB 220. She stated that households spend \$2,500 per year on health issues caused by pollution in the state of Delaware. Nowhere in Delaware is farther from 8 miles from a body of water and flooding is a concern. In Sussex and Kent Counties, most people rely on well water, much of which is polluted. She had to put a water filtration system in her house so she could have safe water. She also stated that nitrates in the water are causing learning disabilities. Businesses are also affected by employees being unhealthy and the government must follow through on regulations that are already in place.

Donald Burdick, Millsboro resident, discussed the Inlet Bay Regional Wastewater Facility which is operating on an expired. There is widespread erosion and runoff and the facility has been in failure since 2005. They have been releasing high levels of nitrates and other pollutants, which has been poisoning water in his community and have lied in the public record, and multiple county and state agencies have refused to act. He feels this situation is extremely dangerous and must be dealt with immediately.

Jack Buccioni spoke in support of HB 220. He stated that his family took a trip to a city in Mexico that collapsed due to contaminated drinking water. He feels that this is possible in Delaware and HB 220 will allow a safety net to protect safe drinking water.

Michael Scuse, Delaware Secretary of Agriculture, spoke in opposition to HB 220. While he supports a clean environment, there are state commissions and agencies in charge of those issues currently. Additionally, agriculture is the top industry in the state and his agency receives complaints daily about litter, aerial applicators, and other issues. If HB 220 is passed, his agency and the general public are open to lawsuits.

Donna Hitchner, Newark resident, spoke in support of HB 220. A constitutional amendment would allow action to be taken quickly instead of lengthy negotiations for pollution harming and killing Delawareans.

Allan Hitchner, Newark resident, spoke in support of HB 220. He stated that both his parents died from undetected water pollution from contaminated wells, harming people and farmers. Delaware has high cancer rates. He said that new farming practices could be adopted that are sustainable, and that universities and organizations know about better farming practices, but are lacking funding.

Robert Overmiller spoke in opposition to HB 220.

Tyler Micik spoke on behalf of the Delaware State Chamber of Commerce, which opposes HB 220. They are concerned that the legislation as it is overreaching, but they are open to conversations with the sponsor.

William McVay, Libertarian Party candidate, spoke in support of HB 220. He noted that concerns about property rights dominated the conversation yesterday, but property rights that pollute the environment impose on other's property rights. The government's concerns about lawsuits suggest that they are aware of inadequate efforts currently.

Rachel Krantz, New Castle County resident and Chamber of Mothers member, spoke in support of HB 220. Climate change is at the forefront of people's decision to have or not have children. The rights in this amendment are similar in the constitution already, such as liberty and freedom. She stated that DuPont has poisoned and killed Delawareans through their businesses practices and hopes that this legislation can make a change.

Greg Layton, Camden resident and member of Delaware Food & Water Watch, spoke in support of HB 220. In Sussex County, where he grew up, poultry is economically important but companies also dump manure and waste on fields, where nitrogen and phosphorus contaminate bodies of water. A recent report found that 97% of Delaware's waterways and 100% of the estuaries are impaired. According to the EPA, more of Delaware's drinking wells are contaminated than any other state in the country, causing developmental delays and other problems.

Michael Baney, Wilmington resident, spoke in support of HB 220. Businesses in Delaware must import water from other states or clean it themselves, causing lower profit and more cost pushed onto consumers. HB 220 may be anti-inflationary and benefit businesses and consumers. It will also increase quality of life, and asthma and cancers will be reduced, lowering costs to public health systems.

Rev. Cathy Rion Star, Unitarian Universalist minister in Sussex County, spoke in support of HB 220. Social determinants of health show that the affects of pollution are potent, and many people lack access to basic health needs.

Joseph Dipasquale, Millsboro resident and candidate for Representative District 41, spoke in support of HB 220. He said that the Founding Fathers thought we had inalienable rights that encompassed a clean environment. He feels that we need to pass this or live with the consequences of inaction.

Maria Payan, co-founder of the Sussex Health and Environmental Network, spoke in support of HB 220. She stated that southern Delaware has been lacking for decades. Northern Delaware has poor air quality and the middle of Delaware has PFA contamination. Agriculture is the number one polluter and she is disappointed in the DNREC Secretary Shawn Garvin for opposing HB 220 based on frivolous lawsuits, which cannot be substantiated.

Chair Longhurst mentioned that, although much of the discussion centered around clean water, the Clean Water Act was passed last year with \$50 million to fund clean water initiatives. The \$50 million was matched by the federal government for a total of \$100 million. She has worked on this water legislation, which took years but was a milestone for the state. She feels that the state is on a path forward to address issues, but she wants people to be aware of the amount of money that has been put into clean water programs in the state. She recognized the importance of a Green Amendment and hopes it can be worked on, progress is being made in Delaware.

Rep. Mitchell agrees with Rep. Wilson-Anton on the environmental rights, but is concerned by line 18 and the state's action or inaction. He asked for an attorney to explain the meaning of the line and its implications for the state's responsibility.

Natalie Woloshin, House Attorney, explained that a person could file a lawsuit against the state if the state infringes upon the person's rights outlined in the constitutional provision due to the state's inaction or action.

Rep. Mitchell asked if there are any statutes that allow for lawsuits for environmental protections already.

Natalie Woloshin believes that, currently, a person or company can file a lawsuit against DNREC for failure to act. The state has immunities but she does not know how broad they are, but there are ways for people or communities to seek redress without filing a lawsuit.

Rep. Mitchell stated that because regulations are in place, that statement is the only part of the legislation he takes issue with.

Michael Scuse, Delaware Secretary of Agriculture, and stated that his department has exemptions and is protected from lawsuits. He is concerned that HB 220 would supersede these protections.

Rep. Wilson-Anton responded to Rep. Mitchell that the state does have sovereign immunity in many cases, which can put citizens at risk. This legislation focuses on all the environment, not just water,

though the public comments have centered around clean water access. She believes that as citizens, people should be able to sue the state for inaction on environmental issues. She disagrees with DNREC Sec. Shawn Garvin's statements and lawsuits would mean that state agencies are failing to perform their jobs adequately.

Speaker Schwartzkopf feels that HB 220 may cause state liability for the shortcomings of private businesses. He stated that in Frankfurt, Delaware, a lawsuit was settled for \$100 million dollars, removing resources from making changes. The bill shifts liability from those responsible and towards the state causing the state and taxpayers to pay for it. He also states that the bill requires a fiscal notes. He thinks money should come from businesses for environmental issues, not from state.

Rep. Wilson Anton said that this bill does not intend to shift blame from private companies to the state, and this has not happened in other states with a Green Amendment. She would be willing to change the language to confirm this. She also said HB 220 would not allow for private citizens to sue other private citizens.

Rep. Dukes stated that everyone supports a clean environment. However, he wants to support agriculture, as he is from one of the largest agricultural districts in the state. There are 2,400 chicken houses and 670 growers in Delaware, which are economically important. Additionally, the poultry farming industry has changed over the last 30 years, including approaches to building and waste management. The agriculture industry is the state's largest industry and he feels that this legislation is broad and will push agriculture out of the state. The Cover Crop Program has been beneficial to the agricultural industry and the state has included it in its budget. Rep. Dukes gave the example of a farm owner in Maryland who had a frivolous lawsuit brought against him, which was he was acquitted of. He is concerned about the broadness of the bill and feels that it will erode the regulatory authority of the General Assembly.

Rep. D. Short echoed other committee members' concerns. In his district, Seaford, significant money has been spent on clean drinking water, as well as the best wastewater treatment on the east coast. When money is found, improvements can be made. He is concerned that the legislation will allow the state to develop fewer useful policies, and feels that focus has been lost from positive environmental changes made in Delaware.

Chair Longhurst told Rep. Wilson Anton that if she amends the bill's language and issues discussed today, it can be put on the agenda again next week.

Rep. Wilson-Anton reiterated the concern of more lawsuits against the state, which is not the case. She is willing to add language to outline that intent. She stated that she had a list of other concerns she heard that she wanted to clarify in order to make amendments.

Rep. D. Short stated that he does not find it appropriate to make negotiations in a committee meeting and made a motion to table the bill.

A motion was made by Rep. D. Short and seconded by Speaker Schwartzkopf to table HB 220; the motion carried. Yes= 4 (Schwartzkopf, Mitchell, Dukes, D. Short): No= 1 (Longhurst); Absent= 0. The bill was tabled.

Chair Longhurst introduced **HB 456, AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER.**

Rep. Lynn, sponsor of the bill, explained that the bill comes from the City of Dover, which has already approved the routine changes to the charter.

Chair Longhurst opened the committee to public comment.

Robert R. Christiansen, Mayor of Dover, referred to the comments made by Rep Lynn.

Robert Overmiller spoke in support of HB 456.

Roy Sudler Jr., Dover City Council President, thanked the committee members and Rep. Lynn.

Chair Longhurst opened the committee to virtual public comment.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to release HB 456 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0; Absent= 0. The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Longhurst introduced **HB 366, AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.**

Rep. Morrison, sponsor of the bill, stated that it is a campaign finance bill with bipartisan support. Former Delaware Supreme Court Chief Justice E. Norman Veasey published a campaign finance report in 2013, making numerous recommendations to improve campaign finance in Delaware. Some of those recommendations were already implemented, and this bill would enact three more of those recommendations. It also comes after the instance of Christopher J. Tigani, a Delaware beer distributor, directing employees to make political campaign contributions, which he would then reimburse them for. This bill would require the reporting of donor's employer names and job titles in campaign finance reports, which would make patterns of donations obvious and would deter those illegal activities. The federal government and 38 other states require employer names and job titles for campaign contributions. The second recommendation would prohibit those who have illegally collected campaign financing from donating it charity organizations, deterring them from receiving positive press from their donations. The third recommendation is for the Department of Elections to provide a phone number to report campaign finance violations, with the reporter having the option to provide contact info or remain anonymous. The fourth part of the bill, not mentioned in the Veasey report, would require trained Department of Elections staff to manually review campaign finance reports, which currently have few systemic reviews. Campaign finance reports would be marked on the Department of Elections website when they are being received and would then be reviewed and filed. This bill would allow for a consistent and professional way to

implement campaign finance law, discourage violations, make it easier to recognize suspicious patterns, increase transparency, and increase faith in the election camping process. The bill is supported by League of Women Voters of Delaware, Delaware Coalition for Open Government, Common Cause Delaware, Working Families Party of Delaware, and Unitarian Universalist Advocacy Network of Delaware.

Chair Longhurst opened the committee to public comment.

Claire Synder-Hall, member of Common Cause Delaware, stated support of HB 366. The naming of job titles and employers in campaign financing allows for transparency and the strengthening of democracy.

Robert Overmiller stated that he appreciates the bill but has concerns.

Rev. Cathy Rion Starr, Unitarian Universalist minister in Sussex county, spoke in support of HB 366 as it would broaden democracy.

Linda Barnett, member of the Delaware League of Women Voters, spoke in support of HB 366. Her organization feels that this legislation will combat corruption and undue influence.

Speaker Schwartzkopf stated that he does not support this bill. The actions in the Tigani case were illegal and this bill would not have addressed that problem. In the current political climate, he feels that publicly notifying a person's name and company for a campaign donation can be used discriminatorily against them.

Rep. Morrison addressed Speaker Schwartzkopf's concerns, stating that in Tigani case, he thinks this bill could have helped catch that information, as it would show that many employees from one company are making the same donations. He said that the federal government and 38 other states didn't have negative effects from similar campaign finance reform. Additionally, addresses and names are already available to the public, and he does not see this legislation as being overly burdensome.

Speaker Schwartzkopf feels that, as a small state, it is concerning for people to know other's private information.

Rep. Morrison said that some of the 38 other states with similar laws are small and that this has not been a concern.

Rep. D. Short stated that campaigns sometimes have volunteer treasurers that could be flagged under this campaign finance law, and that he does not believe this bill will be helpful.

Speaker Schwartzkopf noted that the maximum campaign contribution per person in Delaware is \$600, which is low compared to other states.

Rep. Morrison responded to these concerns, stating that job titles are already required by the federal government and other states, where volunteer treasurers are also used. This legislation is not intended to find wrongdoing and he is aware that some fraud cases are unintentional. When he was running his

campaign, he found that his opponent had accepted campaign contributions of more than \$600, which was not caught by the Department of Elections.

Speaker Schwartzkopf said that would have been flagged and is illegal.

Rep. Morrison said that this violation was not caught in the case of his opponent.

Speaker Schwartzkopf stated that those possible violations have been caught in his experience.

Rep. Morrison stated that he called the Department of Elections to rectify the situation. He said that while \$600 is a low contribution, multiple checks can add up quickly.

Rep. Dukes said that there are parts of the bill that he likes, but feels it is intrusive to publish a person's job title and employer while someone reporting a possible campaign finance violation enjoys anonymity.

Rep. Morrison stated that citizens can already report issues to the Department of Elections anonymously, but this bill makes it clear that citizens can call in without fear of retribution. If it needs to be, the Department of Elections could investigate the instance of campaign finance fraud.

Rep. Dukes said he disagreed.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Mitchell to table HB 366; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0; Absent= 0. The bill was released from committee with a F=2, M=3, U=0 vote. The bill was tabled.

Chair Longhurst introduced SS 1 for SB 278, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE 9/11 REMEMBRANCE FLAG.

Rep. Smith, sponsor of the bill, stated that the bill designates the 9/11 Remembrance flag as symbol of the state's remembrance of the event, it will encourage instruction in schools on history of the day, and it will allow the flag in several government buildings in the state. The Governor's Office is in support of the bill. There are some places where this flag is already flown. Additionally, the bill passed the Senate unanimously and every senator signed on as a cosponsor.

Chair Longhurst opened the committee to public comment.

Robert Overmiller spoke in support of SS 1 for SB 278.

A motion was made by Speaker Schwartzkopf and Rep. D. Short and seconded by Rep. Dukes to release HB 456 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0; Absent= 0. The bill was released from committee with a F=4, M=1, U=0 vote.

Chair Longhurst introduced HB 416, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LEAVES.

Rep. Bush, sponsor of the bill, stated it came to him from his community regarding the National Guard, many of which have served more time responding to the COVID-19 pandemic. Currently, the Delaware National Guard has 15 days paid leave. This bill would extend paid leave to 30, a change that New Jersey has recently implemented. Many National Guard members have had little time off in the last several years.

Chair Longhurst opened the committee to public comment.

Robert Overmiller spoke in support of HB 416.

A motion was made by Speaker Schwartzkopf and Rep. D. Short and seconded by Rep. Dukes to release HB 456 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short); No= 0; Absent= 0. The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Longhurst introduced **HB 479, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PARKING.**

Chair Longhurst, sponsor of the bill, stated that in her district, semi-trucks are parking on the sides of roads and are obstructing the vision for those on the road. They are not putting cones down and are parking in bike zones, forcing bikes and walkers to walk into the road to move around trucks. There is a minimal fee paid if truckers are caught parking illegally. She met with the trucking industry and it seems to be an issue of independent truckers. She felt a solution was needed, and this bill would increase the fine for parking illegally on roads.

Rep. Longhurst called on Nicole Majeski, Secretary of the Delaware Department of Transportation, who reiterated that there are daily complaints about illegal truck parking on the sides of the road. They are obstructing views and creating a safety issue. They are working with the Delaware State Police to install new signs to enforce this legislation. This bill would allow them to designate certain corridors to prohibit truck parking and would better allow law enforcement to enforce these laws.

Chair Longhurst mentioned the Department of Transportation has reached out to truck parking locations, but they often are not being utilized by truckers.

Rep. Dukes asked Sec. Majeski if this is a prevalent issue in Sussex County.

Sec. Majeski said it is often an issue in New Castle County but is becoming a statewide issue.

Chair Longhurst opened the committee to public comment.

Robert Overmiller spoke in support of HB 479.

Roger Roy spoke in support of this bill, saying he is a biker and has been affected by the issue.

A motion was made by Speaker Schwartzkopf and seconded by Rep. D. Short to release HB 479 from committee; the motion carried. Yes= 5 (Longhurst, Schwartzkopf, Mitchell, Dukes, D. Short): No= 0; Absent= 0. The bill was released from committee with a F=0, M=4, U=0 vote.

Chair Longhurst introduced **HB 452, AN ACT PROPOSING AMENDMENTS TO THE DELAWARE CONSTITUTION RELATING TO TECHNICAL CORRECTIONS.**

Speaker Schwartzkopf, sponsor of the bill, said the bill was discussed and approved from legislative council.

Chair Longhurst opened the committee to public comment.

Robert Overmiller spoke in support of HB 452.

A motion was made by Speaker Schwartzkopf and Rep. D. Short and seconded by Rep. Dukes to release HB 452 from committee; the motion carried. Yes= 4 (Longhurst, Schwartzkopf, Dukes, D. Short): No= 0; Absent= 1 (Mitchell). The bill was released from committee with a F=0, M=4, U=0 vote.

Chair Longhurst introduced **HB 453, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GENERAL ASSEMBLY.**

Speaker Schwartzkopf, sponsor of the bill, said the bill was discussed and approved from legislative council.

Chair Longhurst opened the committee to public comment.

Robert Overmiller spoke in support of HB 453.

A motion was made by Speaker Schwartzkopf and Rep. D. Short and seconded by Rep. Dukes to release HB 453 from committee; the motion carried. Yes= 4 (Longhurst, Schwartzkopf, Dukes, D. Short): No= 0; Absent= 1 (Mitchell). The bill was released from committee with a F=0, M=3, U=0 vote.

Chair Longhurst introduced **HB 490, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF ELECTRONIC TRAFFIC MONITORING FOR VEHICLE OBSTRUCTIONS SYSTEM.**

Speaker Schwartzkopf, sponsor of the bill, said it creates a program to monitor traffic obstruction when cars are stopped in the middle of an intersection at a red light. He stated that this is a problem at the Delaware beaches and other places as it overwhelms the traffic control system. This bill allows red light cameras that are already in place to catch vehicles that are blocking the box.

Chair Longhurst opened the committee to public comment.

Robert Overmiller spoke in support of HB 490.

A motion was made by Rep. D. Short and seconded by Rep. Dukes to release HB 490 from committee; the motion carried. Yes= 4 (Longhurst, Schwartzkopf, Dukes, D. Short): No= 0; Absent= 1 (Mitchell). The bill was released from committee with a F=0, M=3, U=0 vote.

Chair Longhurst introduced **SB 286, AN ACT TO AMEND TITLE 9 AND TITLE 17 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY NEIGHBORHOOD IMPROVEMENT DISTRICTS.**

Rep. Heffernan, additional sponsor of the bill, explained that it comes from New Castle County and the community ombudsman. It would create neighborhood improvement districts in the county, which will begin with two neighborhoods, Edgemoor Gardens and Brookside. Both have few active community organizations and include many rental properties, as well as problems such as crime and litter. This bill would allow these neighborhoods to improve, even without a larger budget.

Chair Longhurst thanked Rep. Heffernan for her work.

Chair Longhurst opened the committee to public comment.

Robert Overmiller spoke in support of SB 286.

A motion was made by Speaker Schwartzkopf and seconded by Rep. Dukes to release SB 286 from committee; the motion carried. Yes= 4 (Longhurst, Schwartzkopf, Dukes, D. Short): No= 0; Absent= 1 (Mitchell). The bill was released from committee with a F=0, M=4, U=0 vote.

Chair Longhurst adjourned the meeting at 1:33 p.m.

Respectfully submitted by:

Hannah Rigoglioso

Speaker's List

Michael Baney, Wilmington resident

Linda Barnett, Delaware League of Women Voters

Donald Burdick, Millsboro resident

Joseph Dipasquale, candidate for Representative District 41

Kerri Evelyn Harris, Dover resident and activist

Allan Hitchner, Newark resident

Donna Hitchner, Newark resident

Rachel Krantz, Chamber of Mothers

Greg Layton, Delaware Food & Water Watch

Nicole Majesky, Secretary of the Delaware Department of Transportation

William McVay, Libertarian Party candidate

Rick Moore, candidate for Mayor of Lewis

Tyler Micik, Delaware State Chamber of Commerce

Robert Overmiller

Maria Payan, Sussex Health and Environmental Network

Jack Piccioni

Robert R. Christiansen, Mayor of Dover

Michael Scuse, Delaware Secretary of Agriculture

Claire Synder-Hall, Common Cause Delaware,

Rev. Cathy Rion Star, Unitarian Universalist minister in Sussex County

Roy Sudler Jr., Dover City Council President