

DATA DELAWARE: Monday, October 28, 2019
SUBJECT: The Delaware Turf Bill story turns even worse!
(Part II Podcast transcript)

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Dace: Welcome back to Money and Politics in Delaware. Greg Lavelle is talking about the Delaware turf situation. He showed up with an insight, and the insight is... I will read his email to make sure I get it right. It's come to my attention, it says Greg Lavelle, that Jacqueline, M-E-T-T-E, Deputy Legal Counsel for Governor Carney is Trey and John Paradee's sister, the Office Of Legal Counsel reviews bills prior to recommending that the Governor sign or veto them.

Dace: Greg, I'm going to let you have the stage in just a minute. My choke is, and I don't want to be too mean spirited here, and I do question the statement, but you were down there, you spent time in the swamp. The one quote, and again my compliments to the Sunday News Journal was from Senator Laura Sturgeon, Democrat Brandywine West. She would still voted yes if she knew that the bill was supported by Kent County officials to spur economic development. No, I pick on her, because you have a, oh, something to fry right there, but there were legislators that just seem void of common sense, void of best practices. How does that even, we'll get to yours in just a minute, but from a conflict of interest, don't people have to say, gee whiz, I got to at least disclose. Help me.

Greg: Well, so first of all, Kent County officials do not support the tax, otherwise they would have implemented it by now. As I understand it, Kent County Levy who were public elected officials in Kent County, were not aware of this, so Senator Sturgeon's just simply wrong. How it happens is because particularly at the end of session, this is what you do, that day this bill is introduced and passed and then it's at Senate within four hours. There was seven or eight bills on the Senate agenda that day. There's committee hearings that day, so I'm trying to be kind to my former colleagues. They're busy, right? There's a lot going on. That's why you have a legitimate committee process.

Dace: Well stop, better stop their just a minute. Doesn't anybody... I mean, what happens when you get to the bridge? If you're going South, your ethics just fly out window-

Greg: Well, yes. So yeah. So I understand you on the conflict question. So you're only supposed to declare a conflict if it's a real conflict of interest. So you have a financial stake this other and the other thing. What thoughtful legislators do is not vote on bills that had the appearance of a conflict of interest for just this reason. So I'm not suggesting Trey Paradee was going to get put money in his pocket over this, but clearly his brother had a financial economic interest and he should have known, because it was public information that his brother was on this board. And his brother should have the courtesy quite frankly to say, "Hey Trey, you don't want to be voting on this bill, because I'm a partner in the investment in the land across the street from it."

Dace: And then take it a step further the senator...

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Greg: And then take it to the sister who may have said, "I'm not touching this with a 10 foot pole." But we don't know this. And that's the swamp. But I will continue to say the swamp gets deeper within the last couple of days of the session and this is what happens. Every year there's examples.

Dace: One more time, and that's really for the audience, because I want to put bravado to this. When Greg and I were chatting, this is what's about, what he's about talk about. This is the crisis in Greg Lavelle's opinion tell your story.

Greg: And that is the passing bills in the dark of night and the last day of the General Assembly. It happens all the time. It's wrong. And other States don't allow it. A thoughtful leadership in the Delaware General Assembly shouldn't allow it, and it's the suspension of rules, which means that we're acknowledging there's been no committee hearing, no one's really seen these bills just introduced whatever, but we're going to vote on them anyway. It's just simply wrong. And let me give you a quick example. Two years ago, house bill 360 was related to sexual harassment. In the MeToo movement, very important issue comes up. House bill 360 is introduced and early in the session it's way overblown. Very impactful on Delaware private businesses. The word on the street is it's not going to go anywhere. It gets introduced as a substitute bill in June or something.

Greg: Again, that means there are significant changes. The word still on the street is it's not going to go anywhere, and then at three o'clock in the morning, that's right, three o'clock in the morning on July 1st it passes the house. 3:00 AM. So we've been there all these hours, passes the house not only with the substitute bill with an amendment that was introduced a couple of hours earlier, comes over to Senate. No one has seen this bill. Dace, this bill impacts every company in Delaware with more than 50 people, and nobody in that room knew what it did. The Secretary of Labor, who I like, who I think is well intentioned, gave us, "Just trust us." Oh, is that how we do it? Just trust us. So we'll just trust you on that. We'll just trust you on the Delaware turf stuff. Just trust you. That's not a legislator's responsibility. The good news is in the House and the Senate, they were, there was partisan votes. We all voted against it.

Greg: And the Republican in the Senate, I checked with the representative Short, and they voted against it on the process issue alone at three o'clock in the morning, you don't have time to figure out the details. So process alone, it should be rejected. And if sexual harassment is a very important issue, which it is, that's not the way you treat it. It's a disservice to the issue quite frankly.

Dace: Now to play fair, you got your big boy pants on today. There are times where this squeeze is legitimate. Your gripe, your scream, this happens as a way of business. Is that fair?

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Greg: There are times when it could be legitimate. That's right. Stuff does happen. As we say in the world. This, the practice is what is not legitimate. And so the rules suspension days is just a simple majority. So the majority party can always suspend the rules. And sometimes the bills are meaningless, but the practice leads to these abuses. So what? So okay, Mr. Wise Guy policy, what do you do about that? Because things do happen. Well then they should change the rules. Actually, it shouldn't be a law, because the rules are too easy to change. They should change the law to say, within these last couple of days, if you're going to run a bill like this, there has to be a super majority to allow it to come to the floor or a super majority to pass it. Some way to acknowledge that this is a serious issue and we're going to act on it, because it is a serious sort of an emergency. So there's a way to deal with it.

Greg: But abuses of Delaware turf, abuses of the sexual harassment house bill 360, I could go on and on and on. The minimum wage bill a couple years ago, same thing. It's dead. It's dead. It's dead. At two in the morning, it's live. Blew the place up. Everyone's exhausted. Let me out of here. That's how they practice public policy in Delaware.

Dace: Tick-tock on a clock. You've got we'll call it a little over two and a half minutes. Put your guru hat on he says with a smile, and what happens with this Delaware turf bill? How does this saga, which keeps apparently getting uglier, how does it play out?

Greg: Well, if Kent County Levy Court Commissioners is stand by their guard, it'll be forced back to the General Assembly and be modified. Either allow them to make the decision to where to direct the funds, right? You know that maybe Kent County has needs. That's why these municipalities asked for hotel tax, because they say they have fiscal needs to deal with and the Delaware General Assembly says, "Here you go Kent County have a hotel tax, but we're going to tell you how and where to spend it." It's an insult. It's truly an insult. So they stand by their guns. It's not passed yet. They have gotten pushback from a lot of different constituencies, but we'll see what happens. And then the way you really fixed the overall issue I already talked about it, is to change the practice of rule suspension and introduction and action on significant legislation within the last day or two of June 30th. It's just a bad policy and it happens all the time.

Dace: You've got 90 seconds. Give us a budget guess, your thoughts in a minute, 90 seconds.

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Greg: Sure. Well, the budget, we'll be interesting. That process is ongoing right now. The last couple of years I joked the other day that the former Governor Markell must be looking at the wall sometimes about how all this money showed up after he left. That we've have a strong national economy. It's trickled down to a strong Delaware economy. The bond bill has been huge, the investment side of the bond. But there's still budget game's going on. Particularly, and specifically the use of supplemental budget bills. So the General Assembly is passing not only the general fund bill, but then they'll pass another bill that is a spending bill and then say, well, particularly the governor, because he directs and all this, well the budgets really didn't grow that much and the reality is that you've grown the budget another 1.5% or so, but in a different bill and there's a demand for that spending, are not going to go away.

Dace: 30 seconds. Is it fair to wrap this up that your idea of cleaning this up could be as simple as making any vote the last couple of days a two thirds super majority?

Greg: There's a number of ways to skin the cat. The simple way to do it is to somehow put pressure and unfortunately people don't read the News Journal like they used to. And sometimes, although they've done it here, the News Journal doesn't press an issue. Go stick a microphone in front of Governor Carney's face and say, is this how we should be passing bills?

Dace: With that positive thought, he says, what a big smile. Greg Lavelle always brings his A game to the program. Look into next week. Robert Fry, the noted data economist, the former, the most right economist is our featured guest. We'll see you next week for more Money and Politics in Delaware.