

Sen. John J. Walsh, Chair  
Sen. Stephanie L. Hansen  
Sen. Brian G. Pettyjohn  
Sen. Bryant L. Richardson  
Sen. David P. Sokola



Rep. Stephanie T. Bolden, Vice-Chair  
Rep. Andria L. Bennett  
Rep. Gerald L. Brady  
Rep. Timothy D. Dukes  
Rep. Jeffrey N. Spiegelman

## STATE OF DELAWARE

### JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

#### 5.18.17 Minutes

Chair John J. Walsh called the meeting to order at 12:10 pm. Committee members present included Vice-Chair Bolden; Senators Hansen, Pettyjohn, Sokola; and Representatives Bennett, Brady, Dukes, and Spiegelman. Senator Richardson was absent. Julie Fedele, JLOSC Analyst; Holly Vaughn Wagner, Legislative Attorney; and Julia Dumas Wilks, Administrative Specialist were also present. A quorum was met.

Representative Spiegelman motioned to approve minutes from the May 11, 2017 meeting, and was seconded by Senator Pettyjohn. The motion carried 9 (Senators Walsh, Hansen, Pettyjohn, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0, 1 absent (Senator Richardson).

The Human Relations Commission (“the Commission”) was represented by Calvin H. Christopher, Commission Chair and Zoe Plerhoples, Deputy Attorney General. Chair Walsh welcomed the Human Relations Commission to speak regarding their concerns. Ms. Plerhoples spoke regarding the proposed updates to legislation as requested by the Division of Research and the Governor’s Office.

The Commission had three major concerns. First, the possibility of allowing the Chair to hold the position indefinitely was of concern. Ms. Plerhoples stressed consistency and fairness were values central to the operation of the Commission. Second, the requirement for the Governor to appoint the Chair may result in a person selected who had no affiliation with the Commission. Third, the Commission seeks to ensure the Chair has the authority to continue to elect members in order to fill vacancies as quickly as possible.

Discussion arose concerning what is typical versus atypical regarding the term for a Chair in Councils and Commissions throughout the State of Delaware. The Committee requested a representative from the Governor’s Office join the meeting to review their recommendations.

The Commission requested a letter of support for additional resources to hire someone to facilitate training and outreach. Ms. Plerhoples explained that there was an employee responsible for this, but it was a role filled by the Division, with a limited contractual term. Ms. Plerhoples explained that the Commissioners are limited in their capacities in fulfilling additional duties due to the voluntary nature of the position. The Committee agreed to send a letter of support on behalf of the Commission.

Lydia Massey, Director of Boards and Commissions for the Office of the Governor, joined the meeting. Ms. Massey clarified the proposed recommendations submitted on behalf of the Governor's Office for the draft legislation for the Human Relations Commission. It was discussed which type of draft language was typical versus atypical for councils and commissions. Ms. Massey provided the reasoning for the Governor's recommendations to the Committee.

Representative Spiegelman motioned to release the Human Relations Commission from review upon enactment of legislation with the Governor's suggestions, and was seconded by Senator Sokola. The motion carried 9 (Senators Walsh, Hansen, Pettyjohn, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0, 1 absent (Senator Richardson).

### **2018 Entities:**

Chair Walsh read the Analyst's memo with a proposed list of entities to consider for review for the 2018 year, noting that the State Board of Education will be held over for 2018. Chair Walsh recommended selecting four more entities for the 2018 year. Discussion arose regarding which types of entities can and cannot be reviewed. Holly Vaughn Wagner, Legislative Attorney, provided clarification regarding the requirements for an entity to be eligible for review.

The Committee discussed the possibility of reviewing the Brownfield Program under the Department of Natural Resources and Environmental Control. After discussion ensued, the Committee agreed to shift focus from the Brownfield Program to the Hazardous Substance Cleanup Act Advisory Committee, to thoroughly review the program. Senator Pettyjohn recommended this entity for review because the administrative fees exceeded the norm when they were last audited. Senator Pettyjohn motioned to review the HSCA Fund, and was seconded by Representative Spiegelman. The motion carried 9 (Senators Walsh, Hansen, Pettyjohn, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman); 1 absent (Senator Richardson).

The Committee agreed that due to recent events, a review of the Council of Corrections is timely. Representative Spiegelman motioned to review the Council on Corrections, and was seconded by Senator Sokola. The motion carried 9 (Senators Walsh, Hansen, Pettyjohn, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman); 1 absent (Senator Richardson).

The Committee discussed the possible review the University of Delaware Board of Trustees. Senator Sokola explained this entity was recommended at the request of several legislators. Chair Walsh referred to a complaint filed with the Delaware Attorney General's Office, citing violations of the open meetings provisions of the Freedom of Information Act. Senator Sokola motioned to review the University of Delaware Board of Trustees, and was seconded by Senator Hanson. The motion failed with a vote of 5 (Senators Walsh, Hanson, Sokola; Representatives

Bolden, Bennett); 4 nay (Senator Pettyjohn; Representatives Brady, Dukes, and Spiegelman); 1 absent (Senator Richardson).

Representative Spiegelman inquired why the Division of Professional Regulations (“the Division”) recommended 3 entities for review. David Mangler, Director of the Division of Professional Regulations, clarified how the Division forwarded the Board of Pilot Commissioners, the Board of Occupational Therapy, and the Board of Geologists for potential review. Representative Brady noted Occupational Therapy was mentioned during the review of another entity, and felt it important to consider this entity for review.

Senator Pettyjohn motioned to review the Board of Occupational Therapy, and was seconded by Representative Spiegelman. The motion failed with a vote of 5 (Senators Walsh, Pettyjohn; Representatives Brady, Dukes, and Spiegelman); 4 nay (Senators Hanson, Sokola; Representatives Bolden, Bennett); 1 absent (Senator Richardson).

Senator Pettyjohn motioned to review the Board of Constables, and was seconded by Representative Spiegelman. The motion failed with a vote of 5 (Senators Walsh, Pettyjohn; Representatives Brady, Dukes, and Spiegelman); 4 nay (Senators Hanson, Sokola; Representatives Bolden, Bennett); 1 absent (Senator Richardson).

Senator Sokola motioned to review both the University of Delaware Board of Trustees and the Board of Occupational Therapy, and was seconded by Senator Hansen. The motion failed with a vote of 5 (Senators Walsh, Hanson, Sokola; Representatives Bolden, Bennett); 4 nay (Senator Pettyjohn; Representatives Brady, Dukes, and Spiegelman); 1 absent (Senator Richardson).

Representative Spiegelman motioned to adjourn the meeting about 1:26 pm, which was seconded by Senator Pettyjohn, and carried 9 (Senators Walsh, Hanson, Pettyjohn, Sokola; Representatives Bennett, Bolden, Brady, Dukes, and Spiegelman)-0; 1 absent (Senator Richardson).

Respectfully prepared by: Julie Fedele, Analyst for the Committee.

*Access to the audio recording of this proceeding is available upon request.*