

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

Minutes – 6.15.17

Chair John J. Walsh called the meeting to order at 12:08 pm. Committee members present included Vice-Chair Bolden; Senators Pettyjohn, Richardson, Sokola; and Representatives Bennett, Dukes, and Spiegelman. Entering late were Senator Hansen and Representative Brady. Staff present included Julie Fedele, JLOSC Analyst; Holly Vaughn Wagner, Legislative Attorney; Lexi West, Legislative Fellow; and Julia Dumas Wilks, Administrative Specialist.

Representative Spiegelman motioned to approve minutes from the May 18, 2017 meeting, seconded by Senator Pettyjohn. The motion carried 8 (Senators Walsh, Pettyjohn, Richardson, Sokola; Representatives Bolden, Bennett, Dukes, and Spiegelman)-0, 2 absent (Senator Hansen, Representative Brady).

Chair Walsh welcomed the Human Relations Commission. The Human Relations Commission (“the Commission”) was represented by Calvin H. Christopher, Commission Chair. Commission Chair Christopher recognized the hard work of Julie Fedele, JLOSC Analyst, and Holly Vaughn Wagner for their support, thoroughness, and responsiveness throughout the review process.

The Commission addressed two major concerns. First, the selection and term of the Chairperson by the Commission was of the utmost importance. Secondly, Mr. Christopher addressed how the Commission would accommodate the Governor’s request to restructure the Executive Committee. Mr. Christopher advised the Committee that the Commission is actively in the process of reducing the size of the Commission from 28 to 18 Commissioners, in addition to revising the proposed legislation, as recommended.

Senator Sokola clarified the term limits for Chairpersons of the Commission. Representative Spiegelman noted that allowing the Governor the freedom to select a Chairperson from outside of the Commission may be beneficial, if robust changes are needed. Senator Pettyjohn surveyed the negotiations between the Governor’s Office and the Commission.

Representative Brady motioned to release the Human Relations Commission legislation from the Joint Legislative Oversight and Sunset Committee, seconded by Senator Sokola. The motion carried 9 (Senators Walsh, Pettyjohn, Richardson, Sokola; Representatives Bennett, Bolden, Brady, Dukes, and Spiegelman)-1 absent (Senator Hansen).

Chair Walsh announced the Committee would focus on the selection of the 2018 entities. Chair Walsh reminded the Committee members that the entities already on the 2018 agenda are the Council on Correction, the HSCA Fund under the Department of Natural Resources and Environmental Control, and the State Board of Education. Senator Sokola requested to hold off on reviewing the University of Delaware Board Of Trustees. He has spoken to them and believes they are making progress regarding implementing the necessary changes after a public complaint. Representative Spiegelman asked that if substantial changes were not made by this time next year, if Committee members would be in favor of reviewing the University Of Delaware Board Of Trustees at that time. Committee members agreed the University of Delaware could be reviewed as early as 2019.

Chair Walsh stated he spoke with Representative Mitchell who will be creating a taskforce to review the Council on Constables. Chair Walsh believes it would be redundant for the Committee to review the same entity at the same time. There was no motion.

Chair Walsh presented 3 entities recommended by the Division of Professional Regulations. David Mangler, Director of the Division of Professional Regulations, was present to answer questions from the Committee.

Chair Walsh presented entities:

- The Board of Occupational Therapy. There was no motion.
- Chair Walsh presented the Board of Pilot Commissioners. There was no motion.
- Chair Walsh presented the Board of Geologists. There was no motion.

Representative Bennett clarified that the three recommended entities from the Division of Professional Regulations were selected based on their review date, not upon complaint history. Mr. Mangler, Director of Professional Regulations, confirmed.

Chair Walsh presented the Child Protection Accountability Commission. Representative Spiegelman identified a recent incident at a daycare center in Dover and advised the Committee that there is a gap in legislation; he recommended the Committee conduct a review of this entity. Representative Bennett stated that this agency was previously schedule to be reviewed, however it was held off due to internal changes.

Representative Spiegelman motioned to review the Child Protection Accountability Commission, which was seconded by Senator Pettyjohn, and carried 10 (Senators Walsh, Pettyjohn, Richardson, Sokola; Representatives Bennett, Bolden, Brady, Dukes, and Spiegelman) - 1 absent (Senator Hansen).

Chair Walsh presented the Governor's Commission on Community and Volunteer Service supported by DE Dept. of Health and Social Services, Division of State Service Centers for

possible review. Julie Fedele, JLOSC Analyst, advised the Committee the entity was recommended because current legislation does not match their fiduciary responsibilities.

Representative Bennett motioned to review the Governor's Commission on Community and Volunteer Service, seconded by Representative Spiegelman. The motion failed 6 (Senators Pettyjohn, Sokola; Representatives Bennett, Bolden, Brady, and Spiegelman)-3 nay (Senators Richardson, Walsh, and Representative Dukes)-1 absent (Senator Hansen).

Chair Walsh presented the Energy Efficiency Advisory Council within the Division of Energy and Climate, as recommended by Senator Sokola. Julie Fedele, JLOSC Analyst, advised the Committee this entity was recommended because it has yet to be reviewed. Senator Sokola motioned to review the Energy Efficiency Advisory Council. The motion failed to obtain a second.

Senator Hansen was marked present, from absent.

Chair Walsh presented the Board of Occupational Therapy. Senator Pettyjohn motioned to review the Board of Occupational therapy, seconded by Representative Bolden. The motion carried 8 (Senators Walsh, Pettyjohn, Richardson, Sokola; Representatives Bolden, Brady, Dukes, and Spiegelman)-2 nay (Senator Hansen and Representative Bennett).

The final approved list of entities under review for 2018 is:

- Delaware State Board of Education (held-over)
- Council on Correction
- Division of Waste and Hazardous Substances
 - Restricted to the Division's Management of the HSCA fund.
- Child Protection Accountability Commission
- Board of Occupational Therapy

Representative Spiegelman motioned to adjourn the meeting about 1:26 pm, which was seconded by Senator Pettyjohn, and carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bennett, Bolden, Brady, Dukes, and Spiegelman)-0.

Respectfully prepared by:

Julie Fedele, JLOSC Analyst, Joint Legislative Oversight and Sunset Committee.

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