

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



Sen. John J. Walsh, Vice-Chair
Sen. Stephanie L. Hansen
Sen. Brian G. Pettyjohn
Sen. Anthony Delcollo
Sen. David P. Sokola

STATE OF DELAWARE

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Minutes – 02.27.2018

Chair Bolden called the meeting to order at 5:09 pm. Committee members present included Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman; Senators present included Walsh, Hansen, Pettyjohn, and Sokola. Entering late was Senator Delcollo. Staff members present included Julie Fedele, Committee Analyst; Holly Vaughn Wagner, Legislative Attorney; Ruth Ann Jones, Senior Legislative Analyst, Controller General's Office; Victoria Cook, Legislative Fellow; and Julia Dumas Wilks, Administrative Specialist. A quorum was met.

Chair Bolden welcomed the members of the Committee and public to the sixth meeting of the Joint Legislative Oversight and Sunset Committee ("the Committee") in the 149th General Assembly, Second Session and called for introductions of members present. Chair Bolden read a brief explanation of the role of the joint committee.

Representative Spiegelman motioned to approve minutes from the meeting held on February 13, 2018, seconded by Senator Pettyjohn. The motion carried 9 (Senators Hansen, Pettyjohn, Sokola and Walsh; Representatives Bennett, Bolden, Brady, Dukes and Spiegelman)-0, 1 absent (Senator Delcollo).

Board of Occupational Therapy

Discussion moved to the presentation from the Board of Occupational Therapy ("the Board"). Chair Bolden invited David Mangler, Director, Division of Professional Regulation; and Mara Beth Schmittinger, President of the Board, to present to the Committee on behalf of the Board of Occupational Therapy.

Mr. Mangler presented an overview of the Board's history, governing statute, past review, and objectives. He explained that the Board is in compliance with the recommendations provided by the Committee as part of their last review in 1996. Since the review, the Board has added online programs to streamline the application process by allowing applicants to follow the progress of his or her application online and file a renewal application online, as well. In addition, the Board has taken steps to delete antiquated language in their regulations. The Board will continue to stay abreast of industry education requirements to insure that Delaware laws are consistent with national minimum license requirements to foster licensure portability and reciprocity. Complex continuing education requirements are currently being reviewed by the Board. The Board requested several revisions to Chapter 20 of Title 24. Discussion and comments from the

Committee included the Board's annual revenue flows and the incorporation of telehealth practices in their continuing education requirements.

Chair Bolden announced that the Board will reconvene on April 17, 2018 at noon for the Committee's recommendation meeting.

HSCA Fund

Discussion moved to the presentation from the Department of Natural Resources and Environmental Control ("DNREC"), Division of Waste and Hazardous Substances Delaware Hazardous Substance Cleanup Act ("HSCA" or "the Fund"). Chair Bolden invited DNREC Secretary Shawn M. Garvin and Melissa Leckie, DNREC Management Analyst for the Brownfields Program.

Senator Hansen announced that in the unlikely event of a conflict of interest, she will recuse herself from the Committee deliberation.

Melissa Leckie presented the history and legislative intent of HSCA, including funding the cleanup of the facilities affected by the release of hazardous substances, requiring the prompt containment and removal of such hazardous substances, and eliminating or minimizing the risk to public health or welfare, or the environment. Ms. Leckie further discussed the types of sites which HSCA remediates including industrial sites, landfills, gas stations, salvage yards, and residential areas. Attention was given to the different type of programs under HSCA, including the Brownfield Program, Voluntary Cleanup Program, and the Emergency Prevention and Response Section. Ms. Leckie explained HSCA's funding and the challenges facing the Fund due to decreasing tax revenue, Federal EPA Grant reductions, fluctuations in oil prices, and the amount of revenue deposited into the Fund. In addition, Ms. Leckie explained that the consequence of not having HSCA would be a severe threat to public health and the environment.

Discussion and questions from the Committee included the recommendations of the independent auditor's report, challenges imposed by the Coastal Zoning Act, HSCA's successfully closed sites, issues with long-term monitoring of sites, long-term, sustainable funding challenges, storage tank rules, redevelopment of Brownfield sites, and legacy issues.

The Committee received comments from members of the public.

Chair Bolden announced that the Board will reconvene for the Committee's recommendation meeting on April 17, 2018 at noon.

Representative Spiegelman motioned to adjourn the meeting at 6:45 pm, seconded by Representative Bennett. The motion carried 10 (Senators Delcollo, Hansen, Pettyjohn, Sokola and Walsh; Representatives Bennett, Bolden, Brady, Dukes and Spiegelman)-0, 0 absent.

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.