

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. Anthony Delcollo
Sen. Stephanie L. Hansen
Sen. Brian G. Pettyjohn
Sen. David P. Sokola

STATE OF DELAWARE

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Minutes – 04.17.18

Chair Bolden called the meeting to order at 12:06 pm. Committee members present included Representatives Bennet, Bolden, Dukes, Spiegelman; Senators Hansen, Pettyjohn. Entering late were Senator Delcollo and Representative Brady. Staff present included Julie Fedele, Committee Analyst; Holly Vaughn Wagner, Legislative Attorney; Ruth Ann Jones, Legislative Analyst, Controller General's Office; Victoria Cook, Legislative Fellow; and Julia Dumas Wilks, Administrative Specialist. A quorum was met.

Chair Bolden welcomed everyone to the Joint Legislative Oversight and Sunset Committee ("the Committee") in the 149th General Assembly, Second Session and called for introductions of members present. Senator Pettyjohn motioned to approve the March 27, 2018 minutes, and was seconded by Representative Spiegelman. The motion carried 6 (Representatives Bennet, Bolden, Dukes, Spiegelman; Senators Hansen, Pettyjohn); 4 absent (Representative Brady; Senators Delcollo, Sokola, Walsh).

Attention turned to the representatives from the Board of Occupational Therapy ("the Board"). The Board was represented by David Mangler, Director, Division of Professional Regulation; and Mara Beth Schmittinger, President of the Board of Occupational Therapy.

Chair Bolden read Recommendation 1, and asked committee members for questions and comments. There was no discussion. Senator Pettyjohn motioned to table Recommendation 1, and was seconded by Senator Hansen. The motion carried 7 (Representatives Bennet, Bolden, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 3 absent (Representative Brady; Senators Sokola, Walsh).

Chair Bolden read Recommendation 2 for the Board's Deputy Attorney General to draft legislation revising language and providing clarification in the code pertaining to the Board for the Committee to review, and asked the committee members for questions and comments. Senator Pettyjohn motioned to accept Recommendation 2, and was seconded by Senator Hansen. The motion carried 7 (Representatives Bennet, Bolden, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 3 absent (Representative Brady; Senators Sokola, Walsh).

Chair Bolden read Recommendation 3, and asked the Board and Committee members for questions and comments. Representative Dukes motioned to accept Recommendation 3, Option 1, to release the Board from review upon enactment of legislation, and was seconded by Senator Pettyjohn. The motion carried 7 (Representatives Bennet, Bolden, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 3 absent (Representative Brady; Senators Sokola, Walsh).

Discussion moved to recommendations for the Department of Natural Resources and Environmental Control ("DNREC"), Division of Waste and Hazardous Substances Delaware Hazardous Substance Cleanup Act ("HSCA"). Chair Bolden welcomed DNREC Secretary Shawn M. Garvin to represent HSCA.

Chair Bolden read Recommendation 1 for the Committee to sponsor a bill drafted by the Committee's Legislative Attorney to clarify that the HSCA Fund's 15 percent cap on administrative costs, and asked committee members for questions and comments. There was a discussion about whether the cap on administrative costs is to be on a cumulative basis or based on the amount deposited into the HSCA Fund in the current fiscal year. Representative Spiegelman motioned to table Recommendation 1 and was seconded by Senator Pettyjohn. The motion carried 7 (Representatives Bennet, Bolden, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 3 absent (Representative Brady; Senators Sokola, Walsh).

Chair Bolden read Recommendation 2 for the Committee to sponsor a bill drafted by the Committee of 100 to stabilize revenues for the HSCA Fund and Brownfield Program and asked committee members for questions and comments. There was a discussion concerning revenue stabilization in relation to Recommendation 1. Representative Spiegelman motioned to accept Recommendation 2 and was seconded by Senator Delcollo. The motion carried 8 (Representatives Bennet, Bolden, Brady, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 2 absent (Senators Sokola, Walsh).

Chair Bolden read Recommendation 3 for DNREC to update the Delaware Brownfields Marketplace website, and asked committee members for questions and comments. Representative Spiegelman motioned to accept Recommendation 3 and was seconded by Senator Delcollo. The motion carried 8 (Representatives Bennet, Bolden, Brady, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 2 absent (Senators Sokola, Walsh).

Chair Bolden read Recommendation 4 and asked committee members for questions and comments. Senator Pettyjohn motioned to table Recommendation 4 until the next meeting and was seconded by Representative Spiegelman. The motion carried 8 (Representatives Bennet, Bolden, Brady, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 2 absent (Senators Sokola, Walsh).

Representative Pettyjohn motioned to adjourn the meeting at 12:43 pm, seconded by Representative Spiegelman. The motion carried 8 (Representatives Bennet, Bolden, Brady, Dukes, Spiegelman; Senators Delcollo, Hansen, Pettyjohn); 2 absent (Senators Sokola, Walsh).

Respectfully prepared by:

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

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