

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 – 06.05.18

Vice Chair Walsh called the meeting to order at 12:08 pm. Committee members present included Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Brady, Bennett, Dukes, and Spiegelman. Representative Bolden was absent. Staff present included Julie Fedele, Committee Analyst; Holly Vaughn Wagner, Legislative Attorney; Art Jenkins, Senior Fiscal Analyst; Jackie Griffith, Chief Fiscal Analyst; Victoria Cook, Legislative Fellow; and Julia Dumas Wilks, Administrative Specialist. A quorum was met.

Senator Pettyjohn motioned to approve minutes from the May 10, 2018 meeting, seconded by Senator Hansen. The motion carried 9 (Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Bennett, Brady, Dukes, Spiegelman)-0, 1 absent (Bolden).

Discussion moved to the Department of Natural Resources and Environmental Control (“DNREC”), Division of Waste and Hazardous Substances, Delaware Hazardous Substance Cleanup Act Fund (“HSCA”). Vice Chair Walsh welcomed DNREC Secretary Shawn M. Garvin to represent HSCA. The Committee discussed Recommendation 1, which presented 2 legislative options for clarifying the HSCA Funds 15% cap on administrative cost expenditures. Discussion included the draft legislation, funding mechanisms, and concerns about HSCA’s reliance on oil prices and the volatility of HSCA’s revenue sources. Representative Spiegelman motioned to table Recommendation 1, seconded by Senator Pettyjohn. The motion carried 9 (Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Bennett, Brady, Dukes, Spiegelman)-0, 1 absent (Representative Bolden).

Discussion then moved to recommendation 2, and legislation originally drafted by the Committee of 100. Todd Coomes, represented The Committee of 100, and discussed the proposed 5/24/18 legislation to amend Title 7 of the Delaware Code relating to HSCA to stabilize revenues for the HSCA Fund and Brownfield Program. Senator Hansen motioned to approve and release the legislation, seconded by Representative Spiegelman. The motion carried 9 (Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Bennett, Brady, Dukes, Spiegelman)-0, 1 absent (Representative Bolden).

Recommendation 3 passed in April so discussion moved to Recommendation 4, Option 1: that the Division of Waste & Hazardous Substance and HSCA Fund are released from review upon enactment of recommended legislation, or Option 2: that the Division of Waste & Hazardous Substance and HSCA Fund are held over and shall report to the Committee in January 2019. Senator Pettyjohn motioned to accept Recommendation 4, Option 2, seconded by Senator

Hansen. The motion carried 9 (Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Bennett, Brady, Dukes, Spiegelman)-0, 1 absent (Representative Bolden).

Attention turned to the State Board of Education (“Board”). The Board was represented by Board Vice President, Nina Lou Bunting, Board member Wali Rushdan, and the Secretary of Education, Dr. Susan Bunting. Discussion moved to the 5/23/18 draft legislation to amend Title 14 of the Delaware Code relating to the Board. There was discussion about the provision in the legislation concerning the responsibilities of the Board’s Executive Director, and language concerning the Department of Education’s hiring policies pertaining to a Board employee. Senator Delcollo suggested combining language in two options to allow the Board’s Executive Director to serve at the pleasure of the Board subject to the rules and regulations of the Department of Education. Senator Hansen motioned to accept the draft legislation upon revision by the Committee’s Legislative Attorney, seconded by Senator Delcollo. The motion carried 9 (Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Bennett, Brady, Dukes, Spiegelman)-0, 1 absent (Representative Bolden).

Discussion moved to the final Recommendation, Option 1: the Board is released from review upon enactment of recommended legislation, or Option 2: the Board is held over and shall report to the Committee in January 2019. Senator Sokola motioned to accept Recommendation 13, Option 1, seconded by Representative Spiegelman. The motion carried 9 (Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Bennett, Brady, Dukes, Spiegelman)-0, 1 absent (Representative Bolden).

Representative Spiegelman motioned to adjourn the meeting at 1:03, which was seconded by Representative Bennett. The motion carried 9 (Senators Delcollo, Hansen, Pettyjohn, Sokola, Walsh; Representatives Bennett, Brady, Dukes, Spiegelman)-0, 1 absent (Representative Bolden).

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.