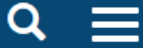




Joint Legislative Oversight  
and Sunset Committee

Committee Orientation Meeting  
January 2020



## Joint Legislative Oversight and Sunset Committee

### General Info

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The Joint Sunset Committee, as of January 2017, is the Joint Legislative Oversight and Sunset Committee (JLOSC). JLOSC performs periodic legislative review of agencies, commissions or boards. The purpose of the review is to determine whether or not there is a genuine public need for the agency and, if so, determine if the agency is effectively performing to meet that need. The purpose of this chapter is not to terminate agencies which are sufficiently meeting a recognized State need and which are accountable to and responsive to the public interests. Rather, the purpose is to use the review mechanism to strengthen and support these agencies.

The Joint Legislative Oversight and Sunset Committee is responsible for guiding the sunset process. The JLOSC is a 10 member legislative body composed of 5 members of the Senate appointed by the President Pro Tempore; and 5 members of the House of Representatives appointed by the Speaker of the House. Assisting the JLOSC is a staff analyst who develops the reports used by the JLOSC to draw conclusions about the agencies under review.

JLOSC website: [legis.delaware.gov/Committee/Sunset](https://legis.delaware.gov/Committee/Sunset)

## Orientation 2020

- ❖ JLOSC Staff
- ❖ Review Timeline
- ❖ The Process: Meetings, Recommendations, & Legislation
- ❖ Freedom of Information Act
- ❖ Updates from Committee Analysts and Attorney
- ❖ Consideration & Approval of the 2020 Schedule

# Your Staff

Mark Brainard Jr., Research Analyst

Amanda McAtee, Research Analyst

Holly Vaughn Wagner, Legislative Attorney

Natalie White, Administrative Specialist

Jeff Chubbs, Legislative Fellow



# JLOSC's Declaration of Policy

The overall goal is to use the review process to strengthen and support entities which are

- (1) meeting a recognized State need, and
- (2) accountable and responsive to public interests.

(Chapter 102, Title 29)



# Review Timeline:

## What's Already Happened

- ❖ **Summer 2019 to present:**
  - Staffing and facilitating task forces.
  - Researching & compiling info to complete task force final reports.
  - Researching & compiling info to complete draft reports for 2020 reviews.
  - Researching ways to improve Committee resources and processes.
- ❖ **September 2019:** Staff held mandatory workshop for new entities under review.
- ❖ **October 2019:** Entities submitted completed questionnaires.
- ❖ **January 2020:** DVI & DHIN task force final reports emailed to Committee.



# Review Timeline: What's to Come

## January

- Orientation for Committee members.
  - Overview of 2020 reviews.
  - Analysts' updates of hold overs and task forces.
  - Approve review schedule.
- Notices published for meetings.

“[S]hould try to give 2 weeks' notice to an [entity] under review of dates scheduled.”  
Title 29, § 10209(a)


## February – March

- Analysts distribute draft reports to Committee members & entities.
- Hold over agencies report to and update Committee.
- Presentation meetings held; public comment accepted.

## March – April

- Analysts draft recommendations.
- Recommendation meetings held; Committee deliberates and votes on recommendations.

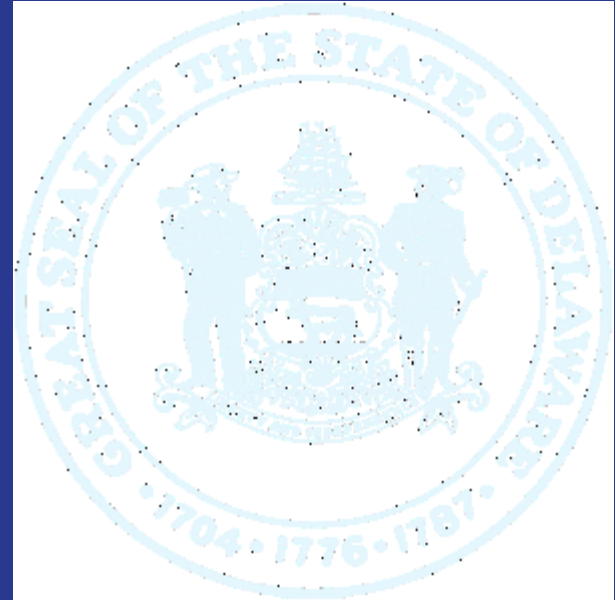
## May – June

- Committee finalizes recommendations.
  - Holly works with entities to draft necessary legislation.
  - Analysts prepare the Final Reports.
  - Committee chooses 2021 reviews.
- 

# 2019 Hold Overs

- Council on Correction (held over from 2018)
- Adult Protective Services
- Delaware Advisory Council on Career and Technical Education
- Delaware Health Information Network\*
- Division for the Visually Impaired\*

\*hold over includes a task force



## 2020 New Reviews

- Delaware Interscholastic Athletic Association (“DIAA”)
- Delaware Health Resources Board
- Conservation District Operations Program: DNREC Division of Watershed Stewardship
- Delaware Nursing Home Resident Quality Assurance Commission





# The Process: Meetings, Recommendations, & Legislation



# 3 Types of Meetings

## Presentation Meetings:

- Entity gives overview of how it works, its accomplishments, and areas for improvement.
- Committee members ask questions and public comment permitted.
- 1 entity typically heard per meeting; most scheduled in the evening.
- Committee rarely makes decisions here; intended for the entity to present information and answer questions.

## Recommendation Meetings:

- Recommendations finalized and voted on; public comment not taken.
- 2 entities typically considered per meeting; most scheduled during the day, prior to session.

## Hold Overs Meeting:

- Held over entity presents updates and reporting requirements.
- Typically held in January/February.
- 1 meeting may address multiple entities, depending on scope of reporting required.




# How Recommendations Are Formed

- After presentation meetings, Analysts draft recommendations for Committee consideration using the information gathered through questionnaires, presentation meetings, and follow-up research.
- At recommendation meetings, Committee discusses, considers, amends, and votes whether to approve or decline each recommendation.



# Types of Recommendations


The Committee is statutorily-authorized to recommend 1 or more of the following:

- **Continuation** of entity as is.
  - **Termination** of entity.
  - **Termination of any program** within entity.
  - **Consolidation, merger, or transfer** of entity or its functions to another entity.
  - **Termination** of entity **unless certain conditions are met** or **modifications are made**, by legislation or otherwise, within a specified period of time.
  - **Budget appropriation limits** for entity.
  - In general or specific terms, **legislation** Committee considers necessary to carry out decision to continue or terminate entity.
- 

# Legislation: Preparing It for the Committee

If adopted recommendation calls for legislation, Holly and the entity, usually through its assigned DAG, collaborate to draft bill for Committee's consideration.

Depending on the scope or specialty of subject matter, entity sometimes drafts first, then submits for to analysts.

- Analysts review to ensure draft meets the recommendation; submits to Holly to formalize.
  - Holly ensures that draft bill is legally sound, meets Committee's recommendation, and conforms with standards of the Delaware Legislative Drafting Manual.
- 

# Legislation: Drafting It

- This process almost always takes more time than expected or desired.
- Analysts & Holly work closely with entity throughout drafting process.
- When drafting process complete, draft bill presented to Committee; Committee votes whether to introduce bill or send back for further revisions.



# Freedom of Information Act

What JLOSC Should Know About FOIA,

*presented by* Holly Vaughn Wagner, Legislative Attorney & Deputy Director, Division of Research



# FOIA's Purpose

Public business be performed in an open and public manner.

Give citizens easy access to public records.

Ensure citizens have an opportunity to observe the performance of public officials and monitor the officials' decisions in formulating and executing public policy.






# You've Received a Request; Who Can Help?

## Your Committee Staff – Amanda, Mark, or Holly


- Already know how to respond or will quickly find out.
- Work on Committee matters full-time during session and break; in best position to quickly understand whether a communication or document is subject to disclosure.

## Your FOIA Coordinator – Mark Cutrona, Director, Division of Research

- Designated point of contact for all FOIA requests related to General Assembly and its committees.
  - Statutorily-required to keep tracking documents; coordinates the General Assembly's responses.
- 

# Records Generally Not Subject to Disclosure

Based on the exceptions, the following records of the General Assembly (and the Committee) are often not provided:

- Records **specifically exempted** from public disclosure by statute or common law.
  - **Emails received or sent by members of the General Assembly or their staff.**
  - Communications **between member and constituent.**
  - Communications **by member on behalf of constituent.**
  - Communications **between members.**
- 

# FOIA & Meetings

- FOIA requires all public body meetings be open to the public, unless closed for 1 of 9 statutory reasons.
- When public body gathers, it must determine whether:
  - The gathering is a “meeting” under FOIA.
  - The body has reason to enter into an **executive session**.



# FOIA Miscellany

- **Right to observe**, not to participate.
- **Must provide notice and agenda.**
- **Must keep minutes** of all meetings.



# Update from Committee Analysts




# Updates from Committee Analyst: Mark Brainard

## 2019 Hold Overs

- Council on Correction (original review: 2018)
- Delaware Advisory Council on Career and Technical Education

## 2020 Reviews

- Conservation District Operations Program:  
DNREC Division of Watershed Stewardship
  - Delaware Interscholastic Athletic Association (“DIAA”)
  - Delaware Nursing Home Resident Quality Assurance  
Commission (“DNHRQAC”)
- 

# Updates from Committee Analyst: Amanda McAtee

## 2019 Hold Overs

- Adult Protective Services
- Delaware Health Information Network
  - Task force final report emailed to Committee on 01/16/2020
- Division for the Visually Impaired
  - Task force final report emailed to Committee on 01/15/2020

## 2020 Review

- Delaware Health Resources Board
- 

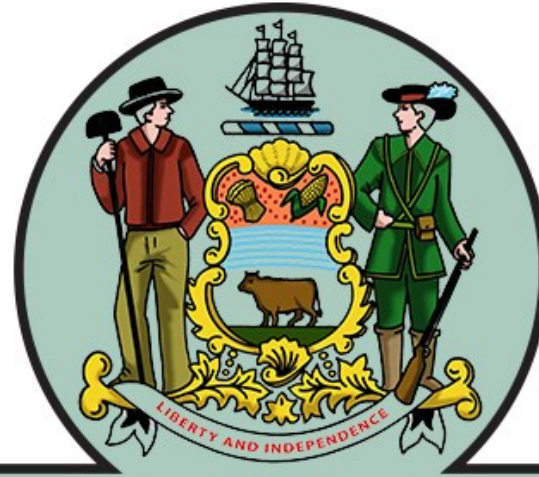
# Report Improvements

- Attended NLPES Conference in September 2019.
- Applying improvements to report accessibility.
  - Different Types of Readers: highlights, more details, full report.
  - Visual Age: – Graphics help grab attention and highlight important data.
- New Logo.
- Fact Sheet.
- Additional research included with draft reports when applicable.
  - Traditionally most only contained information from entity questionnaire.
- Recommendations drafted by analysts.
  - Process of Committee review, modification, and adoption of recommendations will not change.
  - Analysts still solicit Committee input.
- Podcasts, YouTube, other formats.





# New Logo!



JOINT LEGISLATIVE OVERSIGHT  
& SUNSET COMMITTEE



# Fact Sheet

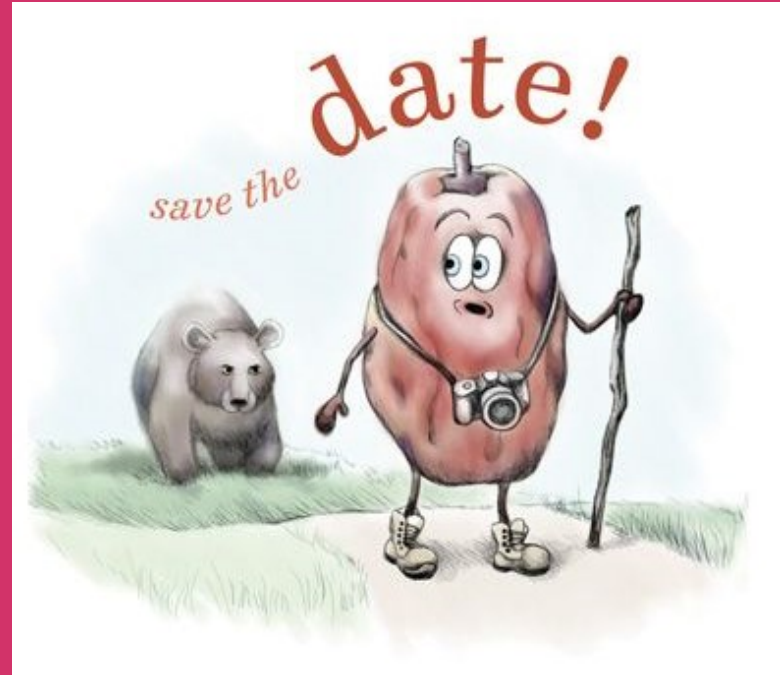


- Stand alone document.
- Includes highlights from report.
- Designed to assist readers short on time.
- Other states have implemented with success.

# Update from Committee Attorney



# Let's Set the 2020 Schedule







# Holdover Meetings

- Mon, Tues, Thurs evenings?

## Three Meetings:





- DACCTE & Council on Corrections
- APS & DHIN
- DVI (daytime meeting)
  - Remaining discussion
  - First meeting Jan 28 or Jan 30

February						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

	Legislative Session
	JFC/Bond Hearings
	President's Day
	JFC Markup

# Presentation Meetings

March						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

	Legislative Session
	JFC/Bond Hearings
	Easter Break
	JFC Markup

- March 2 – 13:  
-Mon, Tues, Thurs evenings
- March 17 – 31:  
-Tues or Thurs prior to session

## Three Meetings:

- DIAA & DNHRQAC
- Health Resources Board
- Conservation District Operations

# Recomm. Meetings

- Tues or Thurs prior to session

## Two Meetings:

- DIAA & DNHRQAC
- Health Resources Board & Conservation District Operations

## Remaining Meetings:

- Discussion of legislation from recommendation meetings
- Picking 2021 entities for review
- Approval of 2020 final report

April						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

	Legislative Session
	JFC/Bond Hearings
	Easter Break
	JFC Markup

May						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- Tues or Thurs prior to session

### Remaining Meetings:

- Discussion of legislation from recommendation meetings
- Picking 2021 entities for review
- Approval of 2020 final report

	Legislative Session
	JFC/Bond Hearings
	Memorial Day
	JFC Markup



Thank you  
for your attention.

Here's to a  
successful 2020!

