

Joint Legislative Oversight
& Sunset Committee

Committee Members' Orientation Meeting

Starting at 12:00 p.m.



Stay Connected

Mark Brainard Jr. and Amanda McAtee
Division of Research, analysts for JLOSC

Twitter: @DEDivResearch

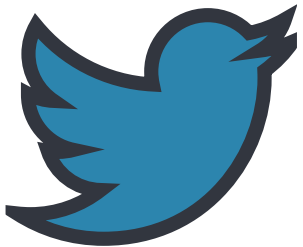
Email: Sunset@Delaware.gov

Web: legis.delaware.gov/Committee/Sunset

Phone: (302) 744-4114

Written public comments accepted via email.

Join our mailing list: Send a blank email with the subject "Join Mailing List" to Sunset@Delaware.gov.



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Sen. Kyle Evans Gay, Vice Chair
Sen. Stephanie L. Hansen
Sen. Brian G. Pettyjohn
Sen. Marie Pinkney
Sen. Bryant L. Richardson



STATE OF DELAWARE

Rep. Sherry Dorsey Walker, Chair
Rep. Krista Griffith
Rep. Kendra Johnson
Rep. Jeff N. Spiegelman
Rep. Lyndon D. Yearick

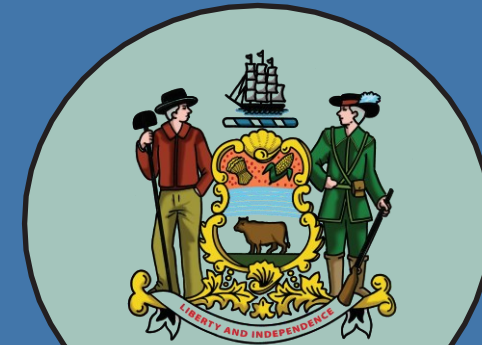
JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

**Committee Members' Orientation
Virtual Meeting
Public Access via [General Assembly Live Stream](#)**

**Monday, January 24, 2022
12:00 p.m.**

Agenda

1. Welcome
2. Approve Minutes
3. Overview of Committee Process
4. Updates from Committee Analysts and Committee Attorney
5. Approve 2022 Meeting Dates
6. Adjournment



**Joint Legislative Oversight
& Sunset Committee**

Committee Members' Orientation

151st General Assembly, 2nd Session

JLOSC Members



Senate

- **Senator Kyle Evans Gay, Vice Chair**
- **Senator Stephanie L. Hansen**
- **Senator Sarah McBride**
- **Senator Brian Pettyjohn**
- **Senator Bryant L. Richardson**



House

- **Representative Sherry Dorsey Walker, Chair**
- **Representative Krista Griffith**
- **Representative Kendra Johnson**
- **Representative Jeff N. Spiegelman**
- **Representative Lyndon D. Yearick**

JLOSC Staff Support



Staff & Office Location:

- **Mark Brainard Jr. & Amanda McAtee**, *JLOSC Analysts*
- **Holly Vaughn Wagner**, *Deputy Director & Legislative Attorney*
- **Natalie White**, *Administrative Specialist*
- **Elliot Gray**, *Legislative Fellow (changes each year)*

Services:

- Staff support is provided by the Division of Research.
 - Nonpartisan office serving the General Assembly.
- The Division provides research, report writing, legislative drafting, meeting support, and other staffing services.
- Provides applicable research analysis in response to questions about agencies, commissions, and boards.
- Note: public comment is always accepted via email: Sunset@Delaware.gov.

Sen. Kyle Evans Gay, Chair
Sen. Stephanie L. Hansen
Sen. Brian G. Pettyjohn
Sen. Marie Pinkney
Sen. Bryant L. Richardson



Rep. Sherry Dorsey Walker, Vice-Chair
Rep. Krista Griffith
Rep. Kendra Johnson
Rep. Jeff N. Spiegelman
Rep. Lyndon D. Yearick

STATE OF DELAWARE
JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Meeting Minutes – June 22, 2021

1 Chair Gay called the meeting to order at 9:00 a.m. Committee members present included
2 Vice-Chair Dorsey Walker, Senators Hansen, Pettyjohn, and Pinkney, and Representatives
3 Griffith, Johnson, and Spiegelman. Staff present included Mark Brainard, Jr. and Amanda McAtee,
4 Joint Legislative Oversight and Sunset Committee (“JLOSC”) Analysts; Holly Vaughn Wagner,
5 Legislative Attorney for JLOSC and Deputy Director of the Division of Research, and Natalie
6 White, Administrative Specialist. A quorum was met.

7 Chair Gay moved to item 2 on the agenda, the approval of the May 6, 2021 JLOSC meeting
8 minutes. Senator Pettyjohn motioned to approve the May 6, 2021 minutes as written, and
9 Representative Dorsey Walker seconded the motion. The motion carried with Senators Gay,
10 Hansen, Pettyjohn, and Pinkney, and Representatives Dorsey Walker, Griffith, and Spiegelman
11 voting in favor, none opposed. Senator Richardson and Representatives Johnson and Yearick were
12 not present to vote.

13
14 Chair Gay moved on to item 3 on the agenda, discussion and approval of JLOSC’s 2021 Final
15 Report. After comments by Senator Gay, Representative Dorsey Walker motioned to approve
16 JLOSC’s 2021 Final Report, and Senator Pettyjohn seconded the motion. The motion carried with
17 Senators Gay, Hansen, Pettyjohn, and Pinkney, and Representatives Dorsey Walker, Griffith, and
18 Spiegelman voting in favor, none opposed. Senator Richardson and Representatives Johnson and
19 Yearick were not present to vote.

20
21 The meeting adjourned at 9:09 a.m.

22
23 Respectfully prepared by:
24 Amanda McAtee and Mark Brainard, Joint Legislative Oversight and Sunset Committee Analysts
25

26 *Access to the complete video recording of this proceeding is available [here](#).*

PRESENTATION AGENDA

- **JLOSC Process**
 - Public Information
 - JLOSC Rules
 - Annual FOIA Reminder
 - Review Process Overview
 - Types of Recommendations
 - Legislation
- **Looking Ahead: 2022 Review Schedule**
- **Looking Ahead: 2022 Legislation**
- **Setting the 2022 Schedule**



Public Information

- Committee's website:
<https://legis.delaware.gov/Committee/Sunset>
- Committee's email:
Sunset@Delaware.gov
 - For all comments and inquiries.
 - Mailing list to join send a blank email with the subject "Join Mailing List"
- Public Meeting Announcements:
 - Public Meeting Calendar
<https://publicmeetings.delaware.gov>
 - General Assembly website:
<https://legis.delaware.gov/>



JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE RULES

Approved; January 25, 2021

RULE 1. A quorum of the Joint Legislative Oversight and Sunset Committee (“Committee”) is 6 members.

RULE 2. A quorum of the Committee must be present in order to:

1. Conduct sessions to draft the Committee’s Final Report.
2. Conduct sessions to draft bills.
3. Enter an executive session.
4. Amend the Committee’s Rules.
5. Make any motion.

RULE 3. A quorum of the Committee is not necessary to open and conduct public hearings in which an agency makes a presentation.

RULE 4. The Chair presides over all meetings of the Committee. The Vice Chair presides in the absence of the Chair. The Chair may designate a temporary chair.

RULE 5. In the interests of order and decorum, all questions and comments must be directed to and acknowledged by the Chair.

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE RULES

Approved; January 25, 2021

RULE 6. Following presentation by an agency at a public hearing, the Chair shall acknowledge all questions or comments in the following order:

1. Members of the Committee.
2. Members of the General Assembly.
3. Other elected or appointed officials.
4. Any group, through its spokesperson, who may speak only to the subject at hand and, if the meeting is held in a physical location, is limited to 5 minutes. If the meeting is held virtually, the spokesperson is limited to 3 minutes.
5. Any Delaware citizen, who may speak only to the subject at hand and , if the meeting is held in a physical location, is limited to 3 minutes. If the meeting is held virtually, the spokesperson is limited to 2 minutes.

RULE 7. All questions or comments during a recommendation meeting, bill drafting session, or the Committee's Final Report drafting session are acknowledged by the Chair, who must limit questions to the members of the Committee. Committee staff, however, may comment at the request of the Chair or Vice Chair. Comments from other sources are subject to the approval of the Chair and, in the absence of the Chair, the Vice Chair or the designated temporary chair.

RULE 8. Consistent with 29 Del C. § 10203(c), a motion is carried by an affirmative vote of the majority of the entire Committee, except that an affirmative vote by 7 members is required to do each of the following:

1. Approve the Committee's Final Report.
2. Terminate an agency.
3. Rescind a vote to terminate an agency.
4. Adopt a recommendation.

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE RULES

Approved; January 25, 2021

RULE 9. The Committee's schedule of meetings and public hearings must be made publically available on the General Assembly's website and distributed to at least all of the following:

1. Members of the Committee.
2. Members of the General Assembly.
3. Governor and Lieutenant Governor.
4. As appropriate, elected or appointed officials.
5. Agency under review.
6. Anyone requesting to be notified concerning hearings.

RULE 10. All Committee meetings and policies must conform to the applicable provisions of Delaware's Freedom of Information Act.

RULE 11. The Committee shall post on the General Assembly's website or the State of Delaware Public Meeting Calendar website at least 7 calendar days prior to a Committee meeting public notice with the date, time, place, and agenda for each meeting. If the agenda is not available at the time of posting notice, the agenda must be added to the notice at least 6 hours in advance of the meeting. The notice must contain the agenda as is known at the time of the posting; however, the agenda is subject to change upon affirmative vote of the majority of the entire Committee.

RULE 12. Minutes of Committee meetings must include all of the following:

1. A list of the members who are present.
2. A record, by individual member, of each vote taken and each action agreed upon.

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE RULES

Approved; January 25, 2021

RULE 13. The Division of Research is the custodian of the records for the Committee.

RULE 14. The latest edition of Mason's Manual of Legislative Procedures governs the Committee in circumstances which may arise and are not covered by statute or by the Committee's Rules.

RULE 15. The Committee shall assign bill drafting necessary to implement its recommendations either to a Legislative Council attorney or the Deputy Attorney General assigned to the agency under review with a review of the same by a Legislative Council attorney. The Committee may temporarily assign bill drafting duties necessary to implement its recommendations to other legislative attorneys, if a Legislative Council attorney is not available.

RULE 16. These Rules may be altered, amended, repealed, or added to at any meeting of the Committee, provided that a notice of 7 calendar days is given. The notice must describe, at least in general terms, the alterations, amendments, or changes which are proposed to be made in the Rules. Public notice must be provided in accordance with Rule 11. These Rules may be suspended upon a motion approved by a quorum of the Committee.

RULE 17. Virtual Meetings. The "Virtual Meeting Rules of Procedure for the General Assembly and Legislative Committees" provided in House Concurrent Resolution 1 of the 151st General Assembly are incorporated into the Committee's rules.

For purposes of affixing signatures required under the Committee's rules, a member may, in lieu of a wet signature, authorize, in writing or electronically, a Committee analyst or Legislative Council attorney to affix the member's signature. The Committee analyst or Legislative Council attorney shall maintain records of authorizations made under this rule.

You've Received a FOIA 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.



JLOSC Review Process

- **JLOSC's Declaration of Policy:** The overall goal is to use the review process to strengthen and support entities which are meeting a recognized State need, and accountable and responsible to public interests.
- Committee selects entities for review.
 - Focus on boards and commissions.
- Analysts contact entities & remain point of contact throughout review.
- Entities complete self-report (copy posted online), provide all requested documentation.
- Analysts' complete fieldwork and research, conducting a performance evaluation on entity.
 - Engage with the public.
 - Write the Staff Report.
- Entity reviews Staff Report, submits formal comments.
- Committee receives Staff Report with entity response.
 - Copy posted online for public.
- Public meeting process begins.
 - Presentation, recommendation, legislation review, holdover.



Types of Recommendations

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

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

Affirmative vote of 7 members is required to adopt a recommendation, terminate an entity, or rescind a vote to terminate an entity.





Legislation

Preparing for the Committee

- If Committee adopts a recommendation requiring legislation, the JLOSC attorney works with entity to draft a bill for consideration.
- JLOSC attorney ensures the draft bill is legally sound, meets the Committee recommendation and conforms with the DE Legislative Drafting Manual standards.

Drafting

- Process almost always takes more time than expected or desired.
- JLOSC analysts and attorney work closely with entity during the drafting process.
- Completed drafts presented to Committee for introduction or further review.

Looking ahead: 2022 Review Schedule

- **July 2021 – January 2022:**
 - Notice selected 2022 review entities, submit self-report in August.
 - Analysts forward self-reports to JLOSC members and post to website.
 - Staff did not edit these reports.
 - Entity's first presentation, in written form.
 - Staff completed research and drafted Staff Findings and Recommendations Reports ("Staff Report").
 - Staff completed field work, including entity interviews, and public engagement initiatives.
 - Submitted draft Staff Report to entities for formal, written comments.
 - Hold annual JLOSC orientation meeting.
- **February – April 2022:**
 - Distribute Staff Reports (with entity comments) to JLOSC members and post to website for the public.
 - **Hold Presentation meetings (estimate 4 presentation meetings total).**
 - **Reformatted meeting, entity presents based on the Staff Report.**
 - The entity self-report contains information from traditional presentation meeting.
 - Public comment opportunity: entity's review and the Staff Report.
 - **Entity still has the burden of showing there is a genuine public need and that they are meeting the need through their self-report and public presentation to JLOSC.**
 - **Committee may consider staff recommendations in Staff Report.**
 - Hold Holdover and Update meetings (3 entities total: HRB, DIAA, and DNHRQAC).
 - 2023 review selections.
 - Staff notifies 2023 review selections, review process starts.
 - Recommendation meetings as needed (may not be needed for every review).
 - Legislation review (can be included on any agenda, as needed).
- **April – June 2022:**
 - Legislation review.
 - JLOSC approves final 2022 report.



Looking ahead: 2022 Legislation

- **JLOSC statute updates.**
 - Technical corrections, clean up focused review section, update timelines, etc.
- **Division for the Visually Impaired:**
 - Technical corrections
 - Substantive changes (education, vocational rehab, etc.)
- **Adult Protective Services:**
 - Technical corrections.
 - Substantive changes (advisory council modifications, etc.)
- **DE Interscholastic Athletic Association:**
 - Technical corrections.
 - Substantive changes (board comp, term limits, revenue & insurance, etc.)
- **DE Nursing Home Resident Quality Assurance Commission:**
 - Technical corrections.
 - Substantive changes (name change, annual report, etc.)
- **DE Health Resources Board:**
 - Technical corrections.
 - Substantive changes (advisory board, utilization reporting, board comp, etc.)
- **2022 Reviews:**
 - Items as adopted through recommendations.



Setting the 2022 Schedule

February - April

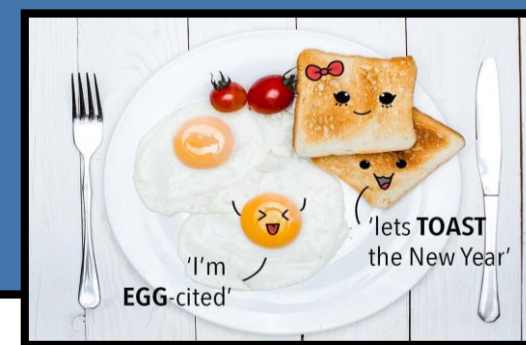
- 4-5 presentation meetings for 2022 reviews.
 - Starting 2/1.
 - Public comment accepted within scope of review.
- 2-3 holdover meetings for HRB, DIAA, & DNHRQAC.
- 1-2 Recommendation meetings, if needed.
- 1-2 meetings for legislation approval & 2023 entity selection.

May - June

- 1 meeting for legislation approval & review discussion.
- 1 meeting for legislation & 2022 Final Report approval.

Dates Unavailable

- February 3, 23 after 1pm.
- February 7, 15, 22 before 4pm.
- February 28 – March 3 after 6pm.



Delaware General Assembly 2022 Legislative Calendar

January						
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May						
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June						
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 Legislative Session	 Easter Break
 JFC Hearings	 JFC Markup
 Bond Hearings	

Holidays
January 17: Martin Luther King, Jr. Day
February 21: Presidents' Day
April 17: Easter Sunday
May 30: Memorial Day
June 19: Juneteenth

Additional Notable Dates
March 21: DEFAC
May 16: DEFAC
June 17: DEFAC