

Joint Legislative Oversight
& Sunset Committee

JLOSC Meeting: March 21, 2022

Starting at 12:30 p.m.



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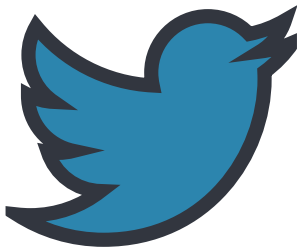
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JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Meeting Minutes – March 1, 2022

1 Chair Dorsey Walker called the meeting to order at 12:03 p.m. Committee members present included Vice-
2 Chair Gay; Senators Hansen, McBride, Richardson, and Pettyjohn; and Representatives Griffith,
3 Spiegelman, and Yearick. Staff present included Mark Brainard, Jr. and Amanda McAtee, Joint Legislative
4 Oversight and Sunset Committee (“JLOSC”) Analysts; Holly Vaughn Wagner, Legislative Attorney for
5 JLOSC; Natalie White, Administrative Specialist for JLOSC, and Elliot Gray, Legislative Fellow for
6 JLOSC. A quorum was met.

7 Chair Dorsey Walker welcomed everyone to the meeting and called for Committee and staff introductions.

8 Chair Dorsey Walker moved to item 2 of the agenda, the approval of the February 22, 2022 meeting
9 minutes. Representative Griffith motioned to approve the February 22, 2022 meeting minutes as written,
10 and Senator Pettyjohn seconded the motion. The motion carried with Senators Gay, Hansen, and Pettyjohn,
11 and Representatives Dorsey Walker, Griffith, Spiegelman, and Yearick voting in favor, none opposed.
12 Senators McBride and Richardson, and Representative Johnson were not present for the vote.

13 Chair Dorsey Walker moved to item 3 of the agenda, a presentation meeting for the Technology Investment
14 Council. Chair Dorsey Walker introduced Jason Clarke, Chief Information Officer of the Delaware
15 Department of Technology and Information (“DTI”), Aline Cohen, Deputy Chief Information Officer of
16 DTI, and Chris Cohan, Chief of Policy and Communication of DTI to deliver the presentation on the behalf
17 of the Technology Investment Council.

18 After the presentation by Mr. Clarke, Chair Dorsey Walker moved to item 4 of the agenda, public comment
19 regarding the Technology Investment Council. No public comment was given.

20 Chair Dorsey Walker moved to item 5 of the agenda, the presentation of JLOSC staff findings and
21 recommendations for the Technology Investment Council. Amanda McAtee and Mark Brainard presented
22 highlights of the staff recommendations and findings report to the Committee. After the presentation by
23 Ms. McAtee and Mr. Brainard, JLOSC members voted on adopting staff recommendations.

24 Senator Pettyjohn motioned to adopt recommendation 1, option 1 for the Technology Investment Council,
25 and Senator Richardson seconded the motion. The motion carried 9-0, with Senators Gay, Hansen,
26 McBride, Pettyjohn, and Richardson, and Representatives Dorsey Walker, Griffith, Spiegelman, and
27 Yearick voting in favor, none opposed. Representative Johnson was not present for the vote.

28 Senator Gay motioned to adopt recommendation 2 for the Technology Investment Council, and Senator
29 Pettyjohn seconded the motion. The motion carried 9-0, with Senators Gay, Hansen, McBride, Pettyjohn,
30 and Richardson, and Representatives Dorsey Walker, Griffith, Spiegelman, and Yearick voting in favor,
31 none opposed. Representative Johnson was not present for the vote.

32 Senator Pettyjohn motioned to adopt recommendation 3 for the Technology Investment Council, and
33 Senator Richardson seconded the motion. The motion carried 9-0, with Senators Gay, Hansen, McBride,

34 Pettyjohn, and Richardson, and Representatives Dorsey Walker, Griffith, Spiegelman, and Yearick voting
35 in favor, none opposed. Representative Johnson was not present for the vote.

36 Chair Dorsey Walker moved to item 6 of the agenda, the presentation meeting for the Medical Marijuana
37 Act Oversight Committee. Chair Dorsey Walker introduced representatives from the Medical Marijuana
38 Act Committee, including Paul Hyland, Director of the Office of Medical Marijuana; Kiki Evinger from
39 the Department of Health and Social Services; and Crystal Mintzer Webb, Alanna Mozeik, and Cassandra
40 Codes-Johnson of the Division of Public Health.

41 After the presentation by representatives for the Medical Marijuana Act Committee, questions and
42 comments were given by Representatives Dorsey Walker and Spiegelman. Paul Hyland, Alanna Mozeik,
43 Crystal Mintzer Webb, and Kiki Evinger provided clarification.

44 After questions and comments by Committee members, Chair Dorsey Walker moved to item 7 of the
45 agenda, public comment on the Medical Marijuana Act Oversight Committee. Sherry Long provided public
46 comment.

47 Chair Dorsey Walker moved to item 8 of the agenda, a presentation of the staff findings and
48 recommendations on the Medical Marijuana Act Committee. Amanda McAtee and Mark Brainard
49 presented highlights of the staff recommendations and findings report to the Committee.

50 After the presentation, Committee members moved to discuss and vote on the adoption of staff
51 recommendations. Representatives Spiegelman and Dorsey Walker, and Senators Gay and Pettyjohn made
52 comments. Alanna Mozeik and Kiki Evinger provided clarification.

53 Representative Spiegelman motioned to adopt recommendation 1, option 2 for the Medical Marijuana
54 Committee, and Senator Pettyjohn seconded the motion. The motion carried 9-0, with Senators Gay,
55 Hansen, McBride, Pettyjohn, and Richardson, and Representatives Dorsey Walker, Griffith, Spiegelman,
56 and Yearick voting in favor, none opposed. Representative Johnson was not present for the vote.

57 Representative Griffith motioned to adopt recommendation 2 for the Medical Marijuana Committee as
58 written, and Senator Gay seconded the motion. The motion carried 9-0, with Senators Gay, Hansen,
59 McBride, Pettyjohn, and Richardson, and Representatives Dorsey Walker, Griffith, Johnson, Spiegelman,
60 and Yearick voting in favor, none opposed. Representative Johnson was not present for the vote.

61 The meeting adjourned at 1:14 p.m.

62 Respectfully prepared by:

63 Elliot Gray, Legislative Fellow, Joint Legislative Oversight and Sunset Committee.

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



From JLOSC Staff: Public Reminders on JLOSC Review Selection and Process

- Review slate is proactive in nature, same as last year.
 - Includes boards never reviewed by JLOSC.
- JLOSC standard review process is proactive with goal to improve entities performing a recognized state need and are responsive to public interests.
 - Performance evaluation used in standard review process.
- Selection for standard JLOSC review is not an indication that the board is doing something wrong.
 - Oversight an important function to ensure operation is as intended and recommendations are made to correct found issues.
- Analysts have formal education in public policy, attend professional training, conduct performance evaluations using nationally recognized performance auditing standards, and are members of the National Legislative Program Evaluation Society.

JLOSC Staff Recommended:
Slate of Entities for 2023 Standard JLOSC Review Consideration

1. Provider Advisory Board (DOE).

- Created in 2011, currently under 14 *Del. C.* § 3006A.

2. Delaware State Arts Council (DOS).

- Created in 1989. 29 *Del. C.* § 8728.

3. Tourism Advisory Board (DOS).

- Transferred in code in 2017, Division of Small Business. 29 *Del. C.* § 8708A.

4. State Fire Prevention Commission (FIRE).

- Created in 1955. 16 *Del. C.* § 66.

5. Delaware Byway Advisory Board (DeIDOT).

- Created 2000. 17 *Del. C.* § 193.

6. Delaware Guardianship Commission (COURT).

- Created in 2011. 12 *Del. C.* § 3991 and § 3992.

JLOSC Slate of Entities for Standard Review Consideration 2023

1. Provider Advisory Board (DOE).
 - Created in 2011 within DSCYF and moved to DOE in 2020; last met in 2021.
 - Currently under 14 *Del. C.* § 3006A
 - Charged with advising the Office of Child Care Licensing regarding the rules and regulations governing early care education and school-age centers.
2. Delaware State Arts Council (DOS)
 - Created in 1989. 29 *Del. C.* § 8728.
 - Statute last updated in 2006 to modify appointment terms of members.
 - Purpose to promote and encourage the arts and shall provide guidance to the Director on matters of arts policy and shall consider such other matters as may be referred to it by the Governor, by the Secretary of the Department or by the Director.
 - The Council may study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.
 - Funding for Delaware Division of the Arts and its programs is provided the Delaware State Legislature and the National Endowment for the Arts, a federal agency.
 - Last meeting held on December 15, 2021; no meetings currently scheduled for 2022.
 - Meetings held last year March – December.
3. Tourism Advisory Board (DOS).
 - Transferred in code in 2017, Division of Small Business. 29 *Del. C.* § 8708A.
 - Advisory capacity to the Director and shall consider matters relating to the promotion of the State as a destination for tourists and other travelers and such other matters as may be referred to it, by the Governor, the Secretary, or by the Director.
 - Board may study, research, plan and advise the Director, the Secretary, and the Governor, on matters it deems appropriate to enable the Division to function in the best possible manner.
 - Cannot find current meetings, last met on August 27, 2019.
4. State Fire Prevention Commission (FIRE).
 - Created in 1955 and meets monthly. 16 *Del. C.* § 66.
 - Modified statute September 2021, to add an Executive Director and dissolve advisory board.
 - Charged with fire protection for Delaware citizens and property.
 - Oversee the operation of the Fire Marshal's Office & the Delaware State Fire School.
 - Last met on March 15, 2022.
5. Delaware Byway Advisory Board (DelDOT).
 - Created 2000. 17 *Del. C.* § 193.
 - Formally the “State Scenic and Historic Highway Advisory Board.”
 - Name changed in 2010.
 - Assist in and make recommendations regarding in the designation, development, operation, management, and promotion of Delaware byways.
 - Cannot find evidence of board meeting.
6. Delaware Guardianship Commission (COURT)
 - Created in 2011. 12 *Del. C.* § 3991 and § 3992.
 - Housed in the Office of the Public Guardian
 - Advocate for the welfare of individuals who are incapacitated; promote systemic reform; recommend changes to current policy; act as informational resource for the public.
 - 2022 Meeting schedule is posted to website; no historical meeting information is available for public consumption (via the Commission website or Public Meeting Calendar).



SPONSOR:

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE TECHNOLOGY INVESTMENT COUNCIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 9013C, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 9013C. Technology Investment Council.

4 (a) ~~There is hereby established a~~ The Technology Investment Council ~~hereinafter referred to as the "Council". The~~
5 ~~Council shall consist ("Council")~~ consists of 9 members as follows:

6 (1) The Chief Information Officer, who ~~shall serve~~ serves as Chair of the ~~Council~~; Council.

7 (2) The Chief Justice of the Supreme ~~Court~~; Court.

8 (3) The Controller ~~General~~; General.

9 (4) The Secretary of ~~Finance~~; Finance.

10 (5) The Director of the Office of Management and ~~Budget~~; Budget.

11 (6) 4 Cabinet level members appointed by the Governor.

12 (b) Members serving by virtue of position may appoint their deputy or equivalent position to serve in their stead
13 and at their pleasure.

14 (c) The Council shall meet at least quarterly. A majority of members must be present at a Council meeting in order
15 to have quorum and conduct official business. A vacant position is not counted for purposes of quorum.

16 (d) The Council may establish subcommittees as necessary to carry out business, ~~responsibilities~~ responsibilities,
17 or assigned projects. Noncommittee members may participate in subcommittee meetings and work. The subcommittee
18 members may reach out for assistance as needed to accomplish the assigned project.

19 (e) The Department, through the Chief Information Officer, shall provide reasonable staff support to assist the
20 Council in performing its duties under this title.

21 Section 2. Amend § 9014C, Title 29 of the Delaware Code by making deletions as shown by strike through and
22 insertions as shown by underline as follows:

23 § 9014C. Duties of the Technology Investment Council.

24 The duties of the Council are as follows:

25 (1) ~~Adopt policies and procedures used to develop, review and annually update a statewide technology plan~~
26 ~~and provide it to the Governor and the Director of the Office of Management and Budget. [Repealed.]~~

27 (2) ~~By October 1 of each year, the Council shall provide the Governor and the Director of the Office of~~
28 ~~Management and Budget with a statewide technology plan. The plan shall discuss the State's overall technology needs~~
29 ~~over a multi-year period and the potential budgetary implications of meeting those needs. [Repealed.]~~

30 (3) By November 15 of each year, the Council shall make recommendations to the Director of the Office of
31 Management and Budget regarding the funding of technology for the coming fiscal year. Prior to making its
32 ~~recommendations to the Director of the Office of Management and Budget, recommendations,~~ the Council shall confer
33 with the Director of the Office of Management and Budget regarding the demands placed upon the state budget by
34 nontechnology funding needs.

35 (4) Forward funding recommendations made ~~pursuant to~~ under paragraph (3) of this section to the Governor
36 in their entirety.

37 (5) Enforce active project ~~management, management,~~ review the progress of current projects to determine if
38 ~~they the projects~~ are on budget and have met ~~their project milestones, milestones; and and,~~ when necessary,
39 recommend the termination of projects.

40 (6) [Repealed.]

41 (7) Identify opportunities to leverage expertise in strategically important areas of information technology by
42 partnering with private sector entities. ~~Such opportunities shall be clearly set forth in the statewide technology plan~~
43 ~~called for in paragraph (2) of this section.~~

SYNOPSIS

This Act is a result of the Joint Legislative Oversight and Sunset Committee's review of the Technology Investment Council ("TCI). This Act updates TCI's statute to further streamline operations and prevent redundancies, and to make technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual. This Act is the product of collaboration with TCI, the Department of Technology and Information, and other stakeholders.



SPONSOR: Rep. Dorsey Walker & Sen. Gay
Reps. Griffith, K. Johnson, Spiegelman, Yearick; Sens.
Hansen, S. McBride, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE MEDICAL MARIJUANA ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 4902A, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4902A. Definitions [For application of this section, see 82 Del. Laws, c. 246, § 5].

4 For purposes of this chapter:

5 (1) “Cannabidiol-rich medical marijuana” or “CBD-rich” means a marijuana strain or product formulation
6 that has elevated levels of cannabidiol (“CBD”) and contains the profile of CBD and tetrahydrocannabinol (“THC”) concentrations approved by the Department, based upon the recommendation of the Medical Marijuana Act Oversight
7 Committee. ~~Department.~~
8 Department.

9 (12) “Medical marijuana oil” means any of the following:

10 c. Any change in the oil formulation which is made by the Department based upon the recommendation
11 of the Medical Marijuana Act Oversight Committee. ~~Department.~~
12 Department.

13 Section 2. Amend § 4922A, Title 16 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline as follows:

15 § 4922A. ~~Oversight Committee; annual~~ Annual report by Department.

16 (a) ~~The Medical Marijuana Act Oversight Committee is established to evaluate and make recommendations
17 regarding the implementation of this chapter.~~

18 (1) ~~The Oversight Committee shall consist of 9 members who possess the qualifications and are appointed as
19 follows:~~

20 a. ~~One member, appointed by the President Pro Tempore of the Senate.~~

21 b. ~~One member, appointed by the Speaker of the House.~~

22 c. ~~The Secretary of the Department, or a designee appointed by the Secretary.~~

23 d. ~~Two medical professionals, each licensed in Delaware, with experience in medical marijuana issues,
appointed by the Governor.~~

24 e. ~~One member with experience in policy development or implementation in the field of medical~~
25 ~~marijuana, appointed by the Governor.~~

26 f. ~~Three members who each shall be a cardholder, as defined in § 4902A of this title, appointed by the~~
27 ~~Governor.~~

28 (2) ~~The members of the Oversight Committee shall serve at the pleasure of the appointing authority.~~

29 (3) ~~A quorum shall consist of 51% of the membership of the Oversight Committee.~~

30 (4) ~~The Oversight Committee shall select a Chair and Vice Chair from among its members.~~

31 (5) ~~Staff support for the Oversight Committee shall be provided by the Department.~~

32 (6) ~~The Oversight Committee shall meet at least 2 times per year for the purpose of evaluating and making~~
33 ~~recommendations to the Governor, the General Assembly, and the Department regarding the following:~~

34 a. ~~The ability of qualifying patients in all areas of the State to obtain timely access to high-quality medical~~
35 ~~marijuana.~~

36 b. ~~The effectiveness of the registered compassion centers, individually and together, in serving the needs~~
37 ~~of qualifying patients, including the provision of educational and support services, the reasonableness of their fees,~~
38 ~~whether they are generating any complaints or security problems, and the sufficiency of the number operating to~~
39 ~~serve the registered qualifying patients of Delaware.~~

40 c. ~~The effectiveness of the registered safety compliance facility or facilities, including whether a~~
41 ~~sufficient number are operating.~~

42 d. ~~The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the~~
43 ~~Department to ensure that access to and use of marijuana cultivated is provided only to cardholders authorized for~~
44 ~~such purposes.~~

45 e. ~~Any recommended additions or revisions to the Department regulations or this chapter, including~~
46 ~~relating to security, safe handling, labeling, and nomenclature.~~

47 f. ~~Any research studies regarding health effects of medical marijuana for patients. [Repealed.]~~

SYNOPSIS

This Act terminates the Medical Marijuana Act Oversight Committee ("Committee"). After Joint Legislative Oversight and Sunset Committee's ("JLOSC") thoroughly reviewed the Committee, JLOSC concluded that the Office of Medical Marijuana ("Office") oversees a functioning medical marijuana program without support from the Committee. Since October 15, 2015, the Committee has made only 2 recommendations to the Office relating to the medical marijuana program and has not made recommendations to the Governor or the General Assembly. Therefore, the Committee is not meeting a public need.

The termination of the Committee is made under JLOSC's authority to terminate an agency under § 10214 of Title 29, and without opposition from the Committee, the Office, or the Department of Health and Social Services.