

Joint Legislative Oversight
& Sunset Committee

Committee Members' Orientation Meeting

11:00 a.m.



Stay Connected

Amanda McAtee and Ben Kowal
Analysts for JLOSC
Division of Legislative Services

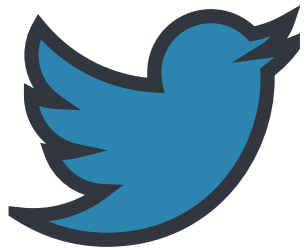
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Web: legis.delaware.gov/Committee/Sunset

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Written public comments accepted via email or
public comment form on committee website.



PRESENTATION ON COMMITTEE PROCESS

AMANDA MCATEE AND BEN KOWAL
JLOSC ANALYSTS

- JLOSC Background.
 - Members and Staff Support.
 - History.
 - Purpose.
- Types of Reviews.
- Types of Reports.
- Types of Recommendations.
- Legislation.
- Annual FOIA Reminder.
- JLOSC Review Process Improvements.



JLOSC MEMBERS

153RD GENERAL ASSEMBLY, 1ST SESSION



SENATE

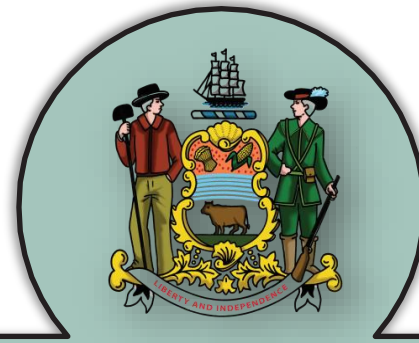
Senator Kyra L. Hoffner
Chair

Senator Russell Huxtable

Senator Nicole Poore

Senator Brian Pettyjohn

Senator Bryant L. Richardson



Joint Legislative Oversight & Sunset Committee

10-member, bipartisan, joint committee.

1 of 4 joint committees.

Odd years chaired by Senate.

Even years chaired by House.



HOUSE

Representative Cyndie Romer
Vice Chair

Representative Josué O. Ortega

Representative Melanie Ross Levin

Representative Richard G. Collins

Representative Valerie Jones Giltner

Public comment is always accepted via email Sunset@Delaware.gov
or public comment form on the committee's website.

JLOSC STAFF SUPPORT

STAFF SERVICES



- **Conducts nonpartisan research, performance evaluations of entities as assigned by JLOSC.**
 - Staff evaluate whether entities or programs are operating efficiently and delivering intended results.
- Presents staff findings and recommendations to JLOSC.
- Public liaison, maintains information on JLOSC website.
- Publishes meeting announcements, agendas, and minutes.
- Main point of contact for entities during reviews.
- Report drafting and publishing for JLOSC.
- Legislative drafting and legal guidance.

Amanda McAtee & Ben Kowal
JLOSC Analysts

Holly Vaughn Wagner
*Division of Legislative Services, Deputy Director
& Legislative Attorney*

Falah Al-Falahi
Grace Kelley
Research Analysts

Carrie Wanstall
Administrative Specialist

Shubreet Kaur
Legislative Fellow
(January – June, changes each year)

Staff are employees of the Division of Legislative Services.

- Nonpartisan office serving the General Assembly.



STAFF SUPPORT

JLOSC HISTORY

- **Delaware’s then-titled Joint Sunset Committee issued first report in 1981.**
 - Sunset committees promoted in the 1970s in effort to reform government.
 - Main function to provide legislative oversight using the review mechanism of the joint committee.
 - **Most common product of review is improvement, not termination.**
- **January 2017 committee name change, added “Legislative Oversight.”**
 - Delaware’s Joint Sunset Committee became the Joint Legislative Oversight and Sunset Committee (JLOSC) to reflect the committee’s common function.
 - Only 2 entities had been “sunsetting” in the committee’s 35-year existence.
- **Similar oversight programs exist in other states, most focus on performance evaluation, policy analysis, and government accountability.**
 - JLOSC Analysts are active members of the National Legislative Program Evaluation Society (NLPES).
 - 1 of 9 professional associations under the National Conference of State Legislatures (NCSL).
 - Staff of about half of NLPES peer offices are situated in legislative research offices and the other half function out of state legislative auditor offices.

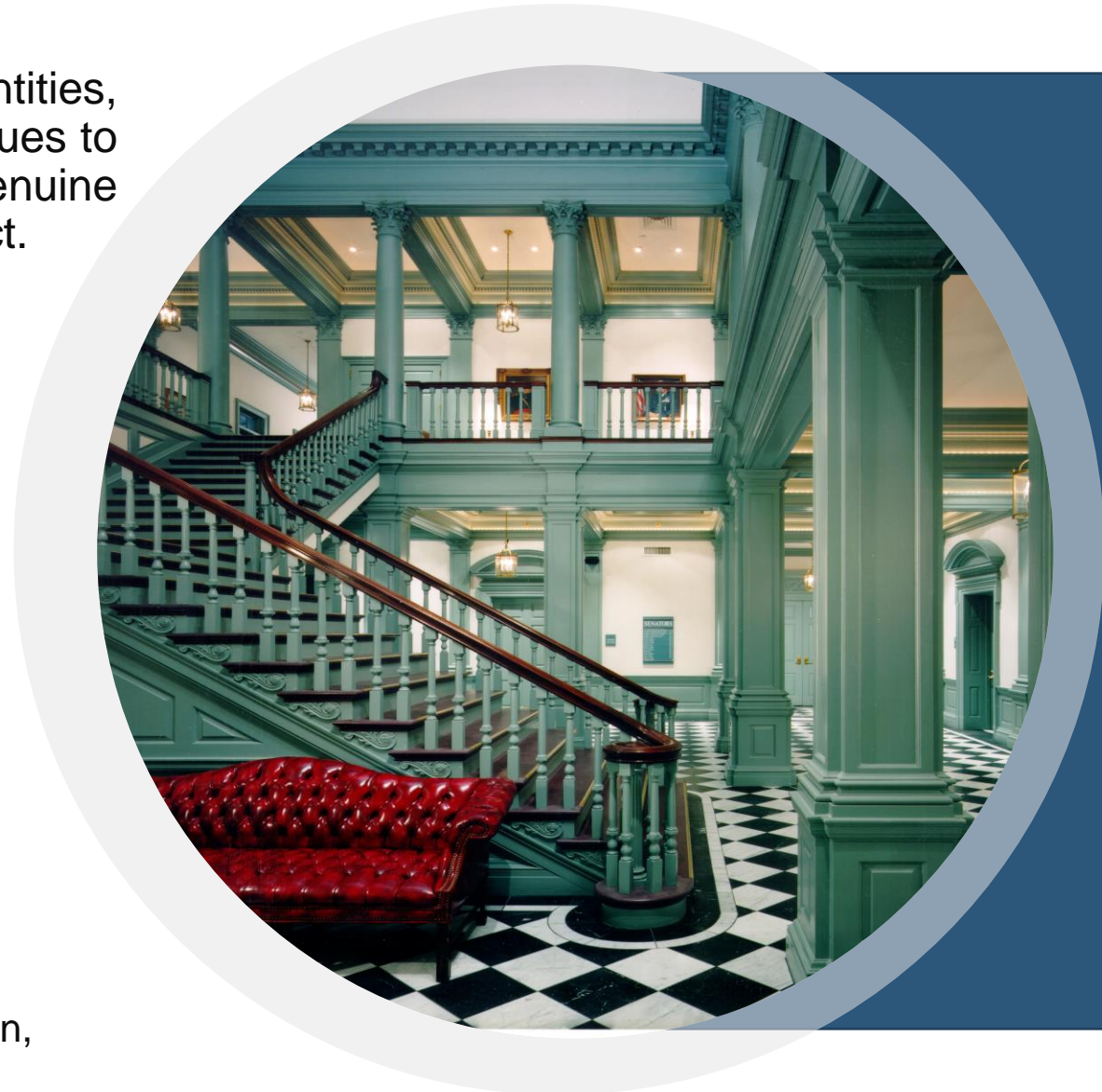


JLOSC PURPOSE

- Conducts periodic legislative review of entities, boards, program components, or specific issues to evaluate performance and determine genuine public need based on the scope of the project.

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 responsible to public interests.
- **Two types of JLOSC reviews:**
 - **Full Review.**
 - Formal assessment of entire entity.
 - **Focused Review.**
 - Review of specific issue, rule, regulation, statute, policy, or program component.
 - Not a review of entire entity.



TYPES OF REVIEWS

- JLOSC selects topics for review with 6 affirmative votes.
- Conducts at least 4 reviews each year.
 - Continued reviews may be counted as 1 of the 4 required reviews.

FULL REVIEW



- **Formal assessment of the entire entity.**
 - “Entity” means a regulatory, administrative, advisory, executive, or legislative body of this State, including a board, bureau, commission, department, division, committee, council, association, authority, or organized body established by an act of the General Assembly of this State.
- Review process typically takes 1 year to complete.
- Entity under review has burden of showing through review criteria there is public need, and they are meeting that need.
 - Entities submit self-report in review process.
 - Entity presentation required at public meeting.
- JLOSC Analysts complete performance evaluation according to statute.
 - Issue staff report that includes findings and recommendations for JLOSC consideration.

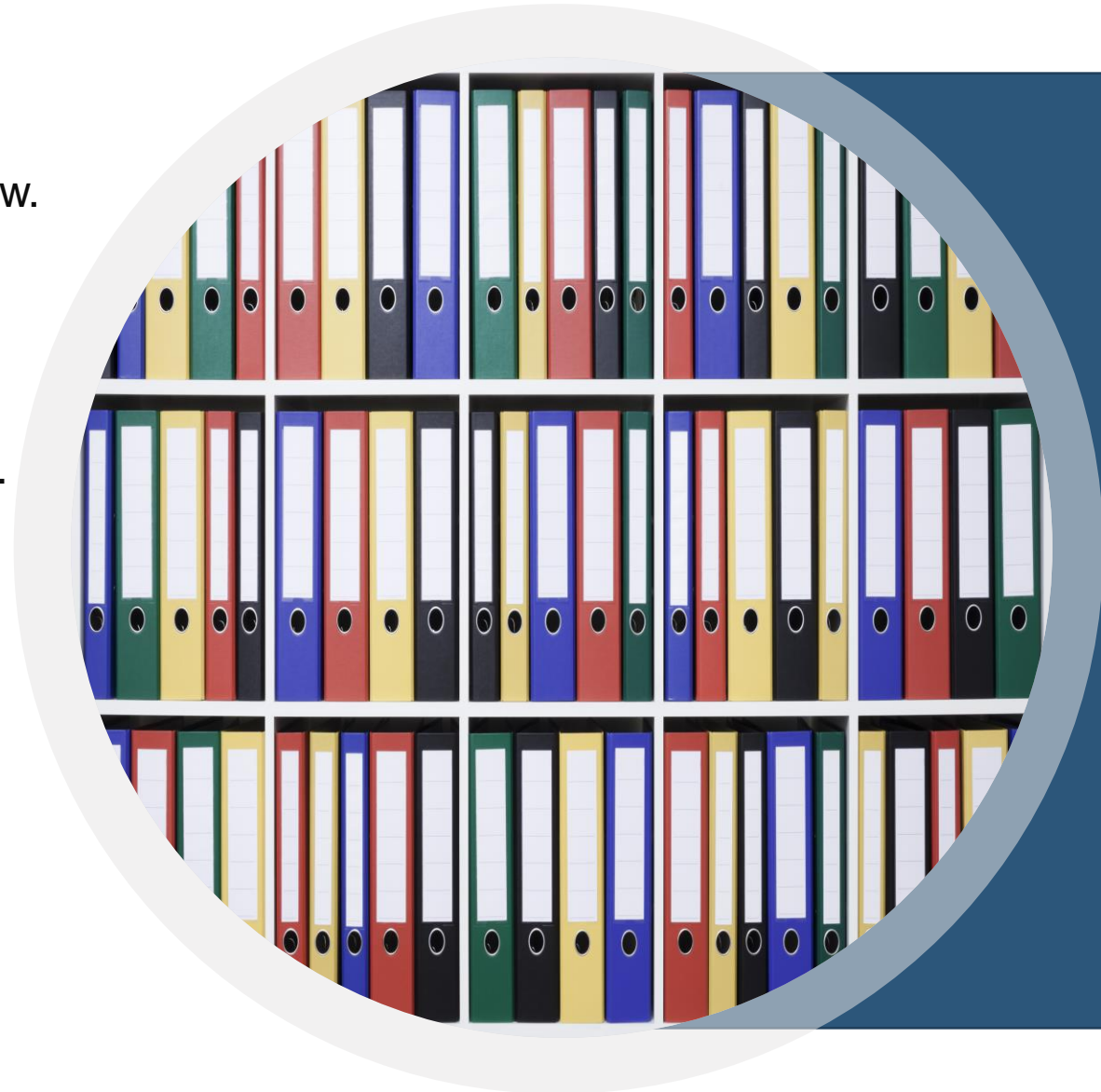
- **Review of specific issue, rule, regulation, statute, policy, or program component.**
 - **Not a review of the entire entity.**
 - **Review style like peer offices within NLPES.**
- Scope of review determined by JLOSC and staff.
- Depending on scope, less time consuming than full review.
 - Does not follow same timeline as full review.
- JLOSC Analysts complete research determined by project scope.
 - Issue staff report that includes findings and recommendations for JLOSC consideration.
- JLOSC holds public meeting to discuss and complete focused review.
- Moving towards this type of review to be more efficient and responsive to oversight needs.



FOCUSED REVIEW

TYPES OF REPORTS

- **Self Report:** completed by entity under review.
 - Full review process uses performance review questionnaire as self-report.
 - Published on website.
- **Staff Report:** completed by JLOSC Analysts. Includes findings and recommendations; outlines objectives, scope, & methodology used during research.
 - Full and focused review processes.
- **Final Report:** completed by JLOSC Analysts and approved by JLOSC members.
 - Contains the work of JLOSC completed that year, includes entities selected for review, adopted recommendations, and sponsored legislation.
 - Published no later than July 31, typically by June 30.



TYPES OF RECOMMENDATIONS

JLOSC is statutorily authorized to recommend and adopt 1 or more of the following:

- **Continuation** of the entity as is.
- **Termination** of the entity.
- **Termination of a program** within the entity or a rule or regulation adopted by the entity..
- **Consolidation, merger, or transfer** of the entity or of a function of the entity.
- **Continuation, holdover, or termination** of the entity unless or until certain conditions are met or modifications are made, by legislation or otherwise, within a specified period of time.
- **Budget appropriation limits** for the entity.
- **Legislation** which the committee considers necessary to carry out its decision to continue or terminate the entity.
- **Legislation** to amend the entity's governing statute or a related statute.

JLOSC Analysts make recommendations for JLOSC consideration based on research and analysis. JLOSC members may modify or create their own recommendations.

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



LEGISLATION

PREPARING FOR JLOSC



If JLOSC adopts a recommendation requiring legislation, the JLOSC attorney and analysts work with the entity to draft a bill for committee consideration.

JLOSC attorney ensures the draft bill is legally sound, meets the JLOSC recommendation, and conforms with the Delaware Legislative Drafting Manual standards.

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 JLOSC members for review.

Drafts are released into legislative process once approved by the committee members.



DRAFTING

ANNUAL FOIA REMINDER: YOU'VE RECEIVED A FOIA REQUEST; WHO CAN HELP?

- Your Committee Staff – Holly, Amanda, Ben
 - Already know how to respond or will quickly find out.
 - Work on JLOSC 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 Legislative Services
 - Designated point of contact for all FOIA requests related to General Assembly and its committees.
 - Holly and Mark work together on FOIA requests relating to JLOSC.
 - Statutorily-required to keep tracking documents; coordinates the General Assembly's responses



JLOSC REVIEW PROCESS IMPROVEMENTS

- **Since 2017 – more than just a committee name change.**
 - Increased staff size to 2 JLOSC Analysts in 2019.
 - Implemented review process and report changes over past 3 years.
 - Codified in recent legislation last session, Senate Bill 134.
 - Current review cycle is the 2nd to include focused review type.
 - Continue implementing committee’s vision to focus on oversight.
 - Future work to better collaborate with state oversight offices and General Assembly.
- **JLOSC Analysts implemented nationally recognized review standards.**
 - U.S. Government Accountability Office (GAO) – Government Auditing Standards “Yellow Book.”
 - American Evaluation Association – Guiding Principles for Evaluators.
- **JLOSC Analysts complete ongoing training and connect frequently with peers.**
 - National Legislative Program Evaluation Society (NLPES).
 - U.S. Government Accountability Office (GAO).
 - Delaware Auditor of Accounts.
 - Hosted training on performance auditing per GAO Yellow Book standards.
 - American Evaluation Association.
 - Levin Center for Oversight and Democracy at Wayne State University Law School.





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