

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



STATE OF DELAWARE

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

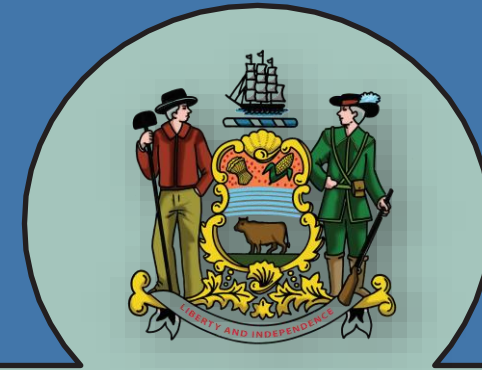
JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Committee Members' Orientation
Virtual Meeting via Zoom
Public Access via [YouTube](#)
Monday, January 25, 2021
2:00 p.m.

Agenda

1. Welcome
2. Approve Committee Rules
3. Approve Minutes
4. Approve 2020 Final Report
5. Presentation on Committee Process
6. Updates from Committee Analysts and Committee Attorney
 - a. Proposed changes to Committee statute
7. Approve 2021 Meeting Dates
8. Adjournment

Legislative Council/Division of Research • Legislative Hall • 411 Legislative Avenue • Dover, Delaware 19901 Joint Legislative Oversight and Sunset Committee Analysts: Mark Brainard Jr. & Amanda McAtee
Phone: 302-744-4114 • Email: Sunset@Delaware.gov • Website: www.legis.delaware.gov



**Joint Legislative Oversight
& Sunset Committee**

**Committee Members'
Orientation**
**151st General Assembly,
1st year**

JLOSC Members



Senate

- **Senator Kyle Evans Gay, Chair**
- **Senator Stephanie L. Hansen**
- **Senator Brian Pettyjohn**
- **Senator Marie Pinkney**
- **Senator Bryant L. Richardson**



House

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

JLOSC Staff Support



Staff & Office Location:

- **Mark Brainard & 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.

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE RULES

Proposed; 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

Proposed; 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

Proposed; 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

Proposed; 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.



STATE OF DELAWARE

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Meeting Minutes – March 11, 2020 (DRAFT)

Chair Bentz called the meeting to order at 6:04 p.m. Committee members present included Vice-Chair Lockman; Representatives Dorsey Walker, Spiegelman, and Yearick; Senators Delcollo, Hansen, Lopez, and Walsh. Staff present included Mark Brainard, Jr. & Amanda McAtee, JLOSC Analysts; Holly Vaughn Wagner, Legislative Attorney for the JLOSC and Deputy Director of the Division of Research; and Natalie White, Administrative Specialist. A quorum was met.

Chair Bentz welcomed everyone to the meeting for the Joint Legislative Oversight and Sunset Committee (“JLOSC”) of the 150th General Assembly, Second Session and called for introductions. The meeting was a presentation meeting for the Delaware Health Resources Board.

Chair Bentz moved to item 2 on the agenda, the approval of the March 9, 2020 meeting minutes. Representative Spiegelman motioned to approve the March 9, 2020 minutes, and Representative Dorsey Walker seconded the motion. The motion carried 8-0, with Representatives Bentz, Dorsey Walker, Spiegelman, and Yearick, and Senators Lockman, Hansen, Lopez, and Walsh voting in favor, no opposed, 2 members not present at the time of vote, Representative Bennett and Senator Delcollo.

Chair Bentz moved to item 3 on the agenda, to discuss additional 2020 meeting dates and introduced Amanda McAtee to provide an overview. After discussion, additional meetings were scheduled for April 20 and May 5, 2020. Committee analysts would send out a Doodle poll to schedule additional meetings.

Chair Bentz moved to item 4 on the agenda, the presentation by the Delaware Health Resources Board. Chair Bentz introduced Elisabeth Massa, Executive Director of the Delaware Health Care Commission, who delivered the presentation. Those in attendance from the Delaware Health Care Commission were Executive Director Elisabeth Massa, Latoya Wright, Manager of Statistics and Research; and Delaware Health Care Commission Chair Dr. Nancy Fan.

After the presentation, Representatives Bentz, Dorsey Walker, Spiegelman, and Yearick, Senators Delcollo, Hansen, Lockman, Lopez, and Walsh, and JLOSC staff Holly Vaughn Wagner and Amanda McAtee asked questions. Elisabeth Massa, Latoya Wright, and Dr. Nancy Fan provided clarification.

Chair Bentz thanked the Delaware Health Care Commission for their presentation and assistance during the review process and called for public comment. Christina Bryan, Communications and

Legislative Council/Division of Research ♦ Legislative Hall ♦ 411 Legislative Avenue ♦ Dover, Delaware 19901

Mark Brainard, Research Analyst: 302-744-4225 ♦ Fax: 302-739-7553 ♦ Mark.Brainard@delaware.gov
Amanda McAtee, Research Analyst: 302-744-4021 ♦ Fax: 302-739-7553 ♦ Amanda.McAtee@delaware.gov

Website: www.legis.delaware.gov

Policy Director for the Delaware Healthcare Association and John Toedtman, Executive Director of the Caesar Rodney Institute provided public comment.

Chair Bentz thanked Committee members, staff, and the public for attending an informative and productive meeting and reminded the Committee of the next and final presentation meeting scheduled for Tuesday, March 17, 2020 at 12:00 p.m. in the JFC Hearing Room

The meeting concluded at 7:54 p.m.

Respectfully prepared by:

Amanda McAtee and Mark Brainard, JLOSC Analysts, Joint Legislative Oversight and Sunset Committee.

Access to the audio recording of this proceeding is available upon request.

DRAFT

2020 Final Report

150th General Assembly, 2nd session



**JOINT LEGISLATIVE OVERSIGHT
& SUNSET COMMITTEE**

*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee
June 2020*

EXECUTIVE SUMMARY

June 30, 2020 Final Report



Background

Delaware's Legislative Oversight and Sunset Law, enacted in 1979 in Chapter 102 of Title 29, provides for the periodic legislative review of state agencies, boards, and commissions ("entity" or, collectively, "entities"). The purpose of review is to determine if there is a public need for an entity and, if so, to determine if it is effectively performing to meet that need. Generally, an entity is not reviewed more than once every six years.

The Joint Legislative Oversight and Sunset Committee ("JLOSC" or "Committee") is responsible for guiding the review process. The Committee is a bipartisan committee comprised of ten legislators. The Senate President Pro Tempore appoints five senators and the Speaker of the House appoints five representatives to serve on the Committee.

In general, the conduction of reviews spans a ten- to twelve-month time period commencing in July. The Committee's analysts compile a comprehensive review of each entity, based on the responses each entity provides on a questionnaire designed to meet statutory criteria, and then prepares a preliminary report for the use of committee members during public hearings held each year. Public hearings serve as a critical component of the review process because they provide the best opportunity for JLOSC to determine whether a genuine public need for the entity exists, and if the entity is beneficial to the public's health, safety, and welfare.

At the conclusion of a review, JLOSC may recommend the continuance, consolidation, reorganization, transfer, or termination (sunset) of an entity. Although the Committee has "sunset" a small number of entities since its first reviews in 1980, the more common approach has been for the Committee to work with an entity under review to formalize specific statutory and non-statutory recommendations with an end goal of improving the entity's overall performance and accountability.

Note for 2020 Review Cycle

On March 12, 2020, Governor John Carney issued a state of emergency due to the public health threat of COVID-19. Governor Carney released numerous modifications to further protect the public throughout March, April, May, and June 2020. In March 2020, the General Assembly announced the postponement of its legislative session and closed Legislative Hall to the public amid the spread of COVID-19.

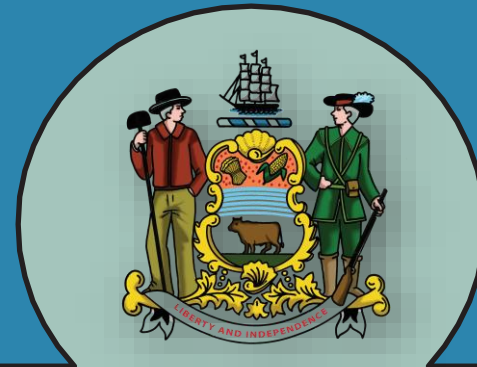
With the spread and growing concern regarding COVID-19, the remainder of JLOSC's meetings were postponed, which ultimately shortened the 2020 review cycle. Prior to the state of emergency, JLOSC held meetings for entities held over from 2019 and two of four public presentation hearings for the entities under 2020 review.

Due to the shortened JLOSC review cycle and modified legislative session, [the JLOSC chairs issued a statement on May 22, 2020](#), explaining that the 2020 review process will continue in 2021 and that all entities under review in 2020 are considered held over.



Committee Members' Orientation

Presentation on Committee Process
January 2021



Joint Legislative Oversight
& Sunset Committee

PRESENTATION AGENDA

- **Public Information**
- **Brief History of Sunset Review Process**
- **JLOSC “Sunset” Process Overview**
 - Types of Reports
 - 3 Types of Public Meetings
 - In Development: 4th Public Meeting Type
 - Types of Recommendations
 - Legislation
- **Freedom of Information Act (FOIA)**
 - Purpose
 - Records
 - Requests
 - Meetings
- **Highlights from the 150th General Assembly**
- **Holdover Recap: Updates from Committee Analysts**
- **2021 Review Timeline**
- **Setting the 2021 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/>



Delaware General Assembly

Enter Bill Number, Legislator, or Keyword

BILLS & RESOLUTIONS DELAWARE LAWS COMMITTEES SENATE HOUSE OFFICES & SERVICES EVEN MEETINGS & ARCHIVES

Joint Legislative Oversight and Sunset Committee

General Info

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 this 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 an agency but to ensure that it is sufficiently meeting a recognized State need and which are accountable to and responsive to the interests of the State. 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. It 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 Statute

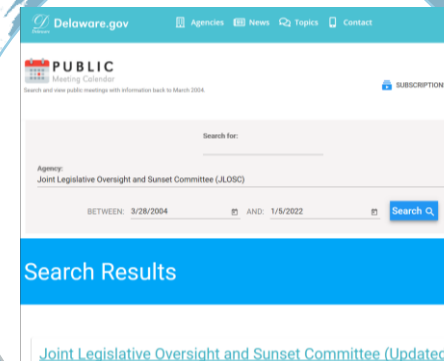
Rules as adopted on March 19, 2019

Important 2020 Review Information

The Draft 2020 JLOSC Final Report is now available

Stay Connected & Engaged

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



Delaware.gov Agencies News Topics Contact

PUBLIC Meeting Calendar

Search and view public meetings with information back to March 2004

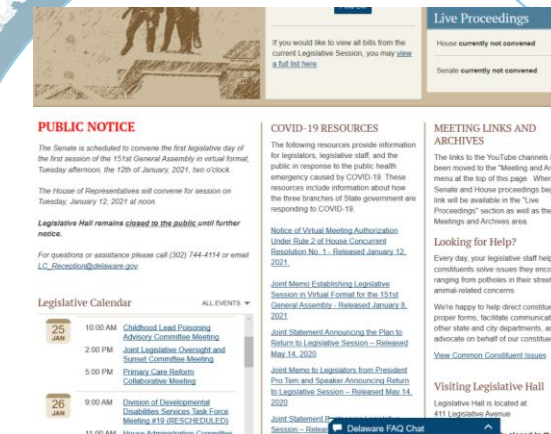
Search for:

Agency: Joint Legislative Oversight and Sunset Committee (JLOSC)

BETWEEN: 3/28/2004 AND: 1/5/2022

Search Results

[Joint Legislative Oversight and Sunset Committee \(Updated\)](#)



PUBLIC NOTICE

The Senate is scheduled to convene the first legislative day of the first session of the 151st General Assembly in virtual format, Tuesday afternoon, the 12th of January, 2021, two o'clock.

The House of Representatives will convene for session on Tuesday, January 12, 2021 at noon.

Legislative Hall remains closed to the public until further notice.

For questions or assistance please call (302) 744-4114 or email LC_Protocol@delaware.gov.

COVID-19 RESOURCES

The following resources provide information for legislators, legislative staff, and the public in response to the public health emergency caused by COVID-19. These resources include information about how the three branches of State government are responding to COVID-19.

Legislative Calendar

ALL EVENTS

Date	Time	Event
25 Jan	10:00 AM	Childhood Lead Poisoning Advisory Committee Meeting
25 Jan	2:00 PM	Joint Legislative Oversight and Sunset Committee Meeting
25 Jan	5:00 PM	Privacy Care Reform Collaborative Meeting
26 Jan	9:00 AM	Division of Developmental Disabilities Services, Task Force Meeting #19 (RESCHEDULED)
26 Jan	11:00 AM	House Administration Committee

Live Proceedings

House currently not convened

Senate currently not convened

MEETING LINKS AND ARCHIVES

The links to the YouTube channels have been moved to the "Meeting and Arch" menu at the top of this page. When it Senate and House proceedings begin link will be available in the "Live Proceedings" section as well as the Meetings and Archives area.

Looking for Help?

Every day, your legislative staff helps constituents solve issues they encounter ranging from potholes in their streets to animal-related concerns.

We're happy to help direct constituent proper forms, facilitate communication other state and city departments, and advocate on behalf of our constituents.

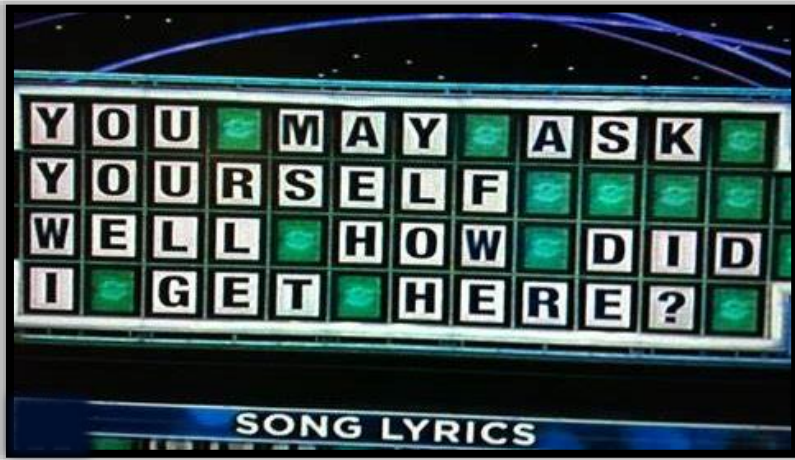
Visiting Legislative Hall

Legislative Hall is located at: 411 Legislative Avenue

Delaware FAQ Chat

Brief History of Sunset Review Process

- Promoted in the 1970s in effort to reform government.
- Colorado was the first state to est. & use in 1976.
 - 36 states adopted sunset legislation.
- Delaware's Joint Sunset Committee est. in 1980.
 - Issued first report in 1981.
- Most common product of a sunset review is **improvement** not termination of an agency or board.
- January 2017: Delaware's Joint Sunset Committee became the Joint Legislative Oversight and Sunset Committee (JLOSC).
- Sunset reviews or agency audits take different forms with each state using different methods.
 - Typically organized under a legislative, auditor, or research office.
 - Some focus on performance evaluation.
 - Florida abolished sunset laws & changed over to a dedicated office for program policy analysis and government accountability.



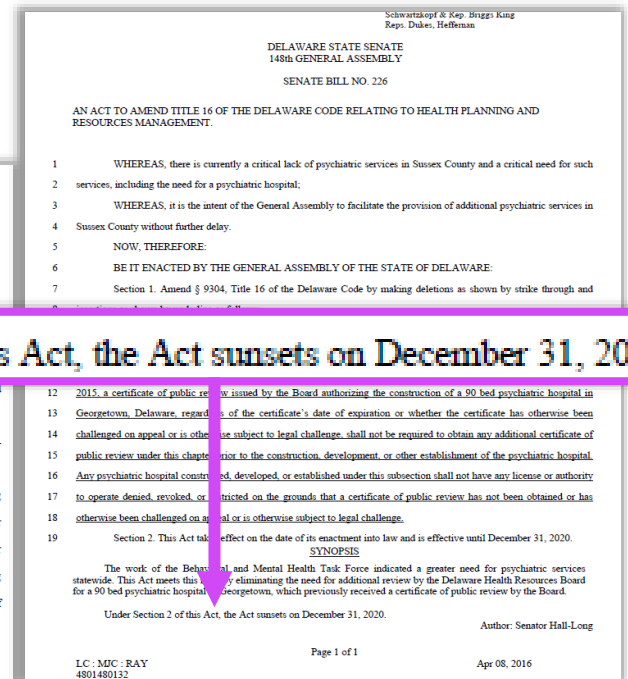
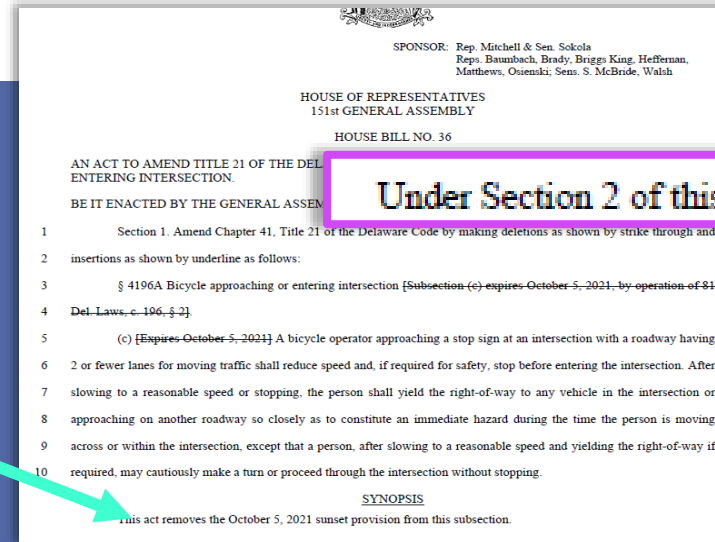
Quick note on the term “sunset”

sunset provisions/laws

- Call for the automatic termination of a government program, agency, or law on a specified date, unless the legislature takes action to renew it.

SYNOPSIS

This act removes the October 5, 2021 sunset provision from this subsection.



Sunset Committee / Sunset Review Process

- JLOSC oversees and is responsible for guiding the sunset review process. In Delaware, the Committee selects entities for review.
- Sunset Review Process conducts a performance evaluation on the selected entity. Helps to determine if a need exists, and how well the entity is performing to satisfy that need.
- Each chamber has a Sunset Committee, but they are independent from JLOSC and discuss bills that are not from the JLOSC process.

This Act delays the sunset of the Delaware Health Resources Board until June 30, 2002 while continuing to phase out and reduce the scope of activities subject to its review. Provisions include:

PROCESS OVERVIEW

151st GENERAL ASSEMBLY – 1st session, January 2021



Joint Legislative Oversight
& Sunset Committee

2021 REVIEW TIMELINE

January – February

- Orientation for Committee Members.
- Meeting dates selected; notices published.
- Analysts distribute reports to Committee members & entities under review.
- Holdover meeting for DVI (2019 review).
- Presentation meetings for DIAA & DNHRQAC.
- Due to volume, legislation will be reviewed as available.

March – April

- Recommendation meetings held (four 2020 entities).
- Committee chooses 2022 review entities.

May – June

- Committee finalizes recommendations.
- Analysts notify 2022 review entities, begin review process.
- Analysts prepare final report for Committee review & approval.

LEGISLATION

Preparing for the Committee

- If the Committee adopts a recommendation requiring legislation, 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.

3 TYPES OF MEETINGS

Presentation Meetings

- Each entity provides an overview, includes functions, accomplishments, and areas for improvement.
- Committee members ask questions.
- Public comment is permitted.
- Most are scheduled in the evening.
- Intended for the entity to present information and answer questions.
- The Committee rarely makes any decisions at this meeting.

Recommendation Meetings

- Recommendations are finalized and voted on.
- Typically held in late February (evenings) & March (afternoons, prior to session).
- At least 2 entities are considered per meeting.
- Public comment is not taken but accepted via email.

Holdover Meetings

- Only for entities that were held over.
- Provide updates to the Committee.
- Typically, evening meetings held in February.
- Multiple entities per meeting, depending on the scope of the reporting required.
- Public comment is not taken but accepted via email.

2021 TO-DO LIST

28 LEGISLATIVE BILLS NEEDED*

4 2020 HOLDOVERS

5 2019 HOLDOVERS

*estimate from 2019, additional legislation is likely needed for 2020 holdovers.

Recap: 2020 Holdovers

- Held presentations meeting with public comment, now need to schedule recommendation meeting:
 - Conservation District Operations Program: DNREC Division of Watershed Stewardship.
 - DE Health Resources Board.
- Need to schedule both presentation & recommendation meetings:
 - DE Interscholastic Athletic Association.
 - DE Nursing Home Resident Quality Assurance Commission.

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.

TYPES OF RECOMMENDATIONS

After thorough research, analysts present their recommendations for Committee consideration.

The Committee is statutorily-authorized to recommend 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.

Recap: 2019 Holdovers

- DACCTE released from review upon the submission of its annual report.
- Released upon enactment of legislation:
 - Adult Protective Services.
 - Delaware Health Information Network.
 - Council on Correction (held over from 2018).
- Division for the Visually Impaired (DVI) recommendations adopted by JLOSC in February 2020 after conclusion of task force meetings held in fall/winter 2019, held over to 2021. Progress reporting received in 2020, schedule agency for holdover meeting in February 2021.

REVIEW TIMELINE

151st GENERAL ASSEMBLY – 1st session, January 2021



Joint Legislative Oversight
& Sunset Committee

February

- Report distribution continues.
- Holdover & Presentation meetings.
- Draft and review legislation, as available.

May

- Committee finalizes recommendations.
- Draft and review legislation.
- Analysts notify selected entities.
- Analysts begin review planning process; outlining scope, objectives, and methodology.

July

- Entities submit self-report to analysts.
- Analysts publish self-reports to JLOSC website.

September

- Analysts pull research together, writing process begins.

November-December

- Analysts send draft report to entities for review and comment.
- Draft reports are finalized and prepared for the Committee.



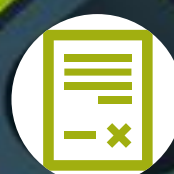
January

- Orientation for Committee members.
- Set meeting schedule.
- Begin publishing meeting dates.
- Analysts distribute reports to Committee members & entities.



March-April

- Recommendation meetings.
- Committee chooses entities for review.
- Draft and review legislation.



June

- Analysts prepare final report for Committee review & approval.
- Analysts continue review planning process and start fieldwork for new reviews.



August

- Analysts continue review fieldwork; conduct interviews, launch public engagement initiatives.



October

- Report writing continues.
- Report editing process begins.



Types of Reports

Self-Report: Completed by entity under review, using a template received from analysts. Contains information required by statute.

Draft Report: Completed by analysts; outlines the review's scope, objectives, and methodology. Contains research, conclusions, and recommendations for Committee consideration.

Final Report: Completed by analysts, approved by Committee, delivered to General Assembly & Governor. Contains review of Committee's work and adopted recommendations.

*Timeline provided is an estimate and is subject to change.



Overview

- Performs periodic legislative review of agencies, commissions, or boards to determine if there is a genuine public need for the entity and, if so, if the entity is effectively performing to meet that need.
- 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.
- 1 of the 4 joint committees of the General Assembly.
 - 10 members: 5 Pro Tempore & 5 Speaker appointments.

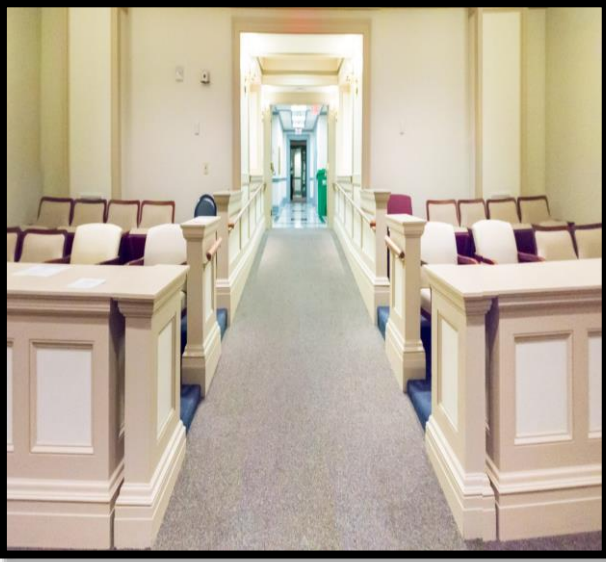
JLOSC Review Process

Sunset & Oversight Review

- Committee selects entities for review.
 - Focus on boards and commissions.
- Analysts contact entities & remain point of contact throughout review.
- Entities complete self-report, provide all requested documentation.
- Analysts' complete fieldwork and research, conducting a performance evaluation on entity.
 - Engage with the public.
 - Write a Draft Report containing key findings, conclusions, and recommendations for Committee consideration.
- Entity reviews report, comments.
- Committee receives report with entity response.
- Public meeting process begins.



3 Types of Public Meetings



Presentation Meetings:

- Each entity provides an overview, includes functions, accomplishments, and areas for improvement.
- Committee members ask questions.
- Public comment is permitted, JLOSC Rule 6.
- Most are scheduled in the evening. Intended for the entity to present info & answer questions.
- **Entity has the burden of showing there is a genuine public need and meeting the need.**
- Decisions rarely made at this meeting by Committee.



Recommendation Meetings:

- Recommendations are finalized and voted on.
- Typically held in late February (evenings) & March (afternoons, prior to session).
- At least 2 entities are considered per meeting.
- Public comment is not taken but always accepted via email: Sunset@Delaware.gov.



Holdover Meetings:

- Not needed for every review.
- Each entity that was held over updates the Committee.
- Typically, evening meetings held in February.
- Multiple entities per meeting, depending on the scope of the reporting required.
- Public comment is not taken but always accepted via email: Sunset@Delaware.gov.

In Development

4th Type: Component Review Meeting

- Can be held at anytime, call of Chair.
 - Chair of any standing Committee can request in writing to the JLOSC chair.
- Abbreviated and focused review.
 - Currently in statute as a “Rules Review” & in proposed revisions as a Component Review.
 - Reviewing specific issue, rule, regulation, statute, or program component.
 - JLOSC staff conducts review which includes research, public outreach, interviews, and other necessary fieldwork.
 - Public outreach could include public input forums/workshops.
 - Division of Research permitted to hire per diem staff if necessary.
- Public meetings held by JLOSC to discuss Component Review selection, OSM (Objectives, Scope, Methodology), analyst’s final report, and JLOSC decision & recommendation process.
 - JLOSC has final say in all decisions & recommendations.



Types of Reports



Meeting Supplements

- Provided at Orientation and Holdover meetings.
- Summarize meeting materials.



Component Review Report

- Targeted & abbreviated review; specific rule, statute, program component, etc.
- OSM determined by Committee & Staff.
- Like Draft Report except will not include a performance evaluation.



Self-Report

- Formally the performance questionnaire.
- Covers statutory requirements.
- Completed by entity under review, sent to analysts, published on website.



Draft Report

- Performance evaluation highlights.
- OSM* determined by Statute.
- Analysts Conclusions & Recommendations.
- Written Response from the Entity.



Final Report

- Completed by analysts.
- Approved by Committee.
 - Delivered to General Assembly & Governor.
- Review of Committee's work & adopted recommendations.

***OSM = Objectives, Scope, & Methodology; GAO Yellow Book, industry standard for performance audit/evaluations.**

ANALYZE

GOAL

SKILLS

PLAN

IMPLEMENTATION

POTENTIAL

DEVELOPMENT

IMPROVEMENT

- ~~After presentation meetings, Analysts draft recommendations for Committee consideration using the information gathered through questionnaires, presentation meetings, and follow-up research.~~
- Process Change → After thorough research, analysts prepare Draft Reports which will contain overview of research, analyst conclusions and **recommendations**, and a written response from the entity under review.
 - Recommendations will be ready to go after the presentation meeting for quicker scheduling. Adjustments can always be made.
- Committee has final vote on all proposed recommendations.
 - Committee can disagree with analyst recommendations.
 - Part of the process and is common throughout similar sunset & oversight Committees.
 - Committee can modify or create new recommendations.
- At recommendation meetings:
 - Analysts present their recommendations for Committee consideration.
 - Committee discusses, considers, and votes whether to approve or decline each recommendation.

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

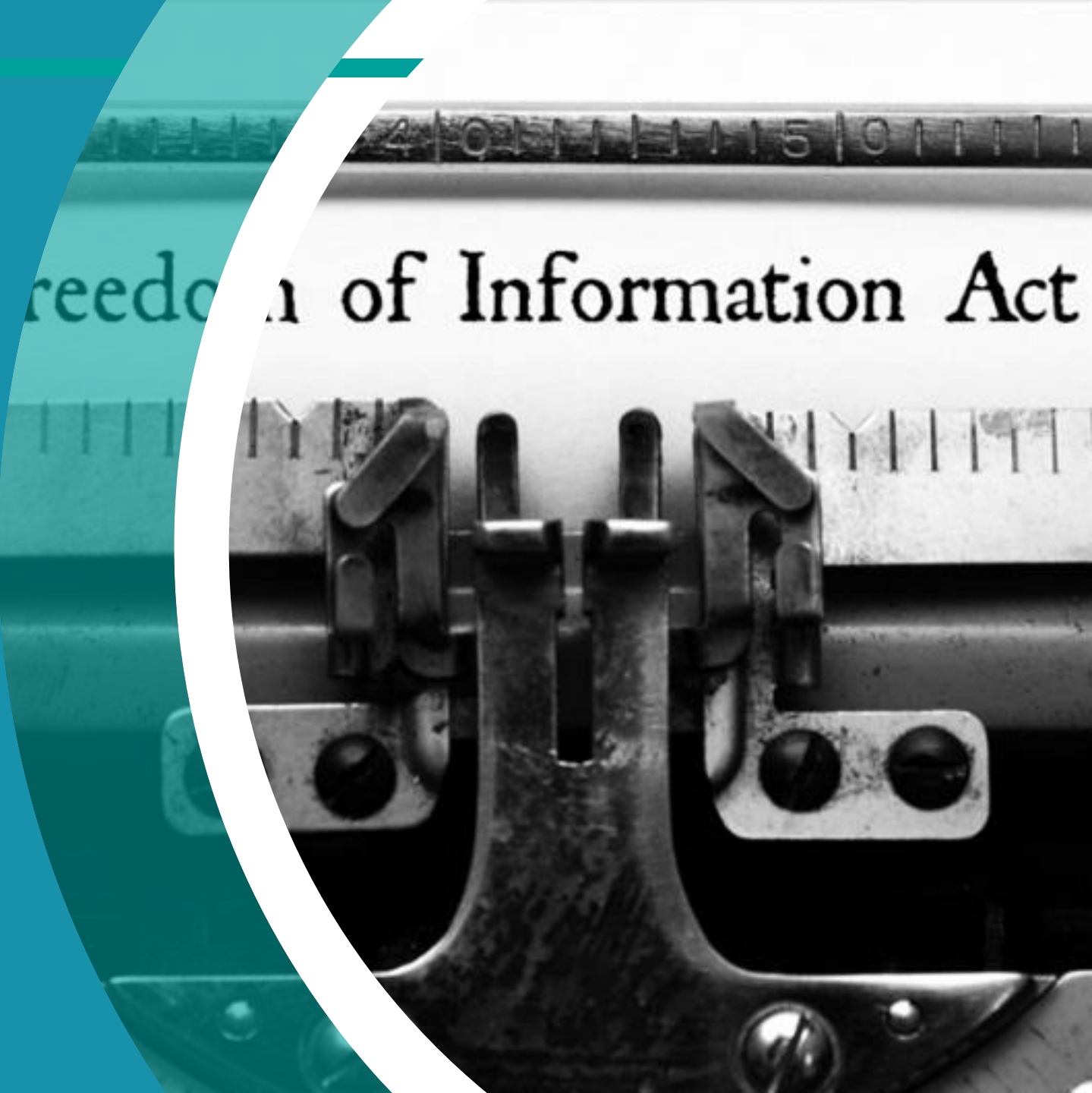
- Process almost always takes more time than expected or desired.
- JLOSC analysts and attorney work closely with entity during the drafting process.
- Completed drafts presented to Committee for introduction or further review.

Freedom of Information Act

What JLOSC Should Know About FOIA

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.





FOIA & 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 an **executive session**.
- FOIA Miscellany:
 - **Right to observe, not to participate.**
 - Must provide notice and agenda.
 - Must keep minutes of all meetings.



Highlights from the 150th General Assembly

2

New Analysts



1

New Logo



9

Entities Reviewed



20

Public Meetings



13

Reports Released



67

Recommendations
Adopted



13

Bills/Resolutions
Passed



3

Task Forces Staffed



LOOKING AHEAD → **151st** General Assembly
40th Annual Sunset Report





Holdover Recap

Updates from Committee Analysts

2020 Holdovers

- Held presentation meetings w/ public comment in March 2020, **schedule recommendation meeting:**
 - Conservation District Operations Program: DNREC Division of Watershed Stewardship.
 - DE Health Resources Board.
- **Need to schedule both presentation & recommendation meetings:**
 - DE Interscholastic Athletic Association.
 - DE Nursing Home Resident Quality Assurance Commission.
- Will have legislation for almost all holdovers, entities can be released from review while legislation is in process.
 - All legislation was halted due to pandemic.
 - Holly continues drafting, working with entities.
- **GOAL:** Resuming unfinished business & moving forward with new work.
 - Research is complete for all holdovers.

2021 TO-DO LIST

- 28 LEGISLATIVE BILLS NEEDED*
- 4 2020 HOLDOVERS
- 5 2019 HOLDOVERS

*estimate from 2019, additional legislation is likely needed for 2020 holdovers.



Holdover Recap

Updates from Committee Analysts

2019 Holdovers

- DACCTE released from review upon the submission of its annual report.
- **Released upon enactment of legislation (tech. corrections):**
 - Adult Protective Services.
 - Delaware Health Information Network.
- **Division for the Visually Impaired (DVI)** recommendations adopted by JLOSC in Feb. 2020, after conclusion of task force meetings held in fall/winter 2019, held over to 2021.
 - Progress reporting received in 2020 as requested.
 - Analysts prepare a meeting supplement with all pertinent information.
 - Schedule agency for holdover meeting in Feb. 2021.
 - DVI will present updates to JLOSC.
 - JLOSC to review progress reporting and status of adopted recommendations, ask questions, and determine release or terms of additional monitoring.
- **Council on Correction (2018-19).**
 - Pending bill to provide staffing support under CJC, JLOSC can then consider release.

2021 TO-DO LIST

- 28 LEGISLATIVE BILLS NEEDED*
- 4 2020 HOLDOVERS
- 5 2019 HOLDOVERS

*estimate from 2019, additional legislation is likely needed for 2020 holdovers.

2021 REVIEW TIMELINE

151st GA, 1st Session

• January – February

- Orientation for Committee Members.
- Meeting dates selected; notices published.
- Analysts distribute reports to Committee members & entities under review.
- Holdover meeting for DVI (2019 holdover).
- Presentation meetings for DIAA & DNHRQAC (2020 holdover).

• March – April

- Recommendation meetings held (all 4 2020 holdovers).
- Committee chooses 2022 review entities.
- Legislation is drafted, reviewed by Committee.
- Discussion/selection of Component Reviews.

• May – June

- Committee finalizes recommendations.
- Legislation drafting & Committee review continues.
- Discussion/selection of Component Reviews.
- Analysts notify 2022 review entities, begin review process.
- Analysts prepare 2021 Final Report for Committee review & approval.



Setting the 2021 Schedule

February

- 1 holdover meeting for DVI (earliest week of 2/8).
- 2 presentation meetings for DIAA & DNHRQAC, public comment accepted.
- 1-2 Recommendation meetings.

March

- 2-3 additional Recommendation meetings.
- 1 meeting for legislation approval & 2022 entity selection.

April

- 1 meeting for legislation approval & 2022 entity selection.
- 1 meeting for legislation approval & Component Review discussion.

May / June

- 1 meeting for legislation approval & Component Review discussion, OSM development.
- 1 meeting for legislation & 2021 Final Report approval.

2021 Legislative Calendar

January						
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						

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						

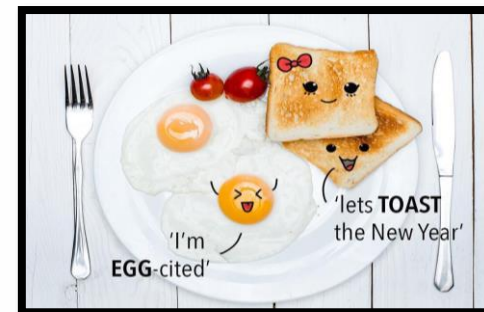
March						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

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	

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			

	Legislative Session
	JFC/Bond Hearings
	Easter Break
	JFC Markup



January
18: Martin Luther King Day
February
15: President's Day
April
04: Easter Sunday
May
31: Memorial Day



Stay Connected

 Twitter: @DEDivResearch

 Web: <https://legis.delaware.gov/Committee/Sunset>

 Phone: (302) 744-4114

 Email: Sunset@delaware.gov