



Final Report 2024

Joint Legislative Oversight and Sunset Committee

*Respectfully submitted to the
Governor and General Assembly
July 2024*

JLOSC Final Report 2024

Summary of work completed, 152nd General Assembly, 2nd Session

Completed Reviews

Continued, Released from Review:

- Delaware Interscholastic Athletic Association “DIAA” (Department of Education).

Terminated, Released Pending Enactment of Legislation:

- Provider Advisory Board (Department of Education) – adopted 3 staff recommendations.

Completed Focused Review:

- Different Methods that Several State Entities Apply in Implementing the Public Comment Requirements of the Administrative Procedures Act.

Read more about Completed Reviews on page 6.

Legislation

In 2024, the Committee and its staff drafted and introduced six bills. These bills addressed statutory updates from adopted recommendations for previously reviewed entities. The Committee’s staff also assisted with the DIAA task force. The task force sponsored and introduced four bills drafted by staff.

Read more about Legislation on page 7.

Future Reviews

The Committee selected the following topics for review. Public presentations to begin in early 2025.

Full Review

- **Controlled Substance Advisory Committee** (Division of Professional Regulation).
- **Delaware Cemetery Board** (Division of Public Health).
- **Public Integrity Commission** (Department of State).
- **Professional Standards Board** (Department of Education).

Focused Review

- **Lead Poisoning Prevention Program** (Division of Public Health) Delaware’s lead poisoning prevention programs as related to specific childhood screening and water sampling structures.
- **Division of Unemployment Insurance Claimant Services** (Department of Labor) evaluation of the claimant services to include system, staffing, and funding mechanisms.
- **Office of Defense Services** (ODS) system of attorneys for indigent criminal defendants and office resources for the prosecution of criminal cases.
- **Department of Agriculture and Office of Animal Welfare** (OAW) process and procedures used in imminent danger and seizure cases regarding domestic agricultural animals.
- **DNREC** (EV regs) state infrastructure readiness to support EV regulations.
- **DNREC** (permits) processing time used for dredging and subaqueous lands permits and agency resources.
- **Division of Developmental Disabilities Services** (DDDS) current availability of adult services.
- **Courts** assisting the Office of the State Court Administrator with relocation options for non-judicial agencies.

Focused reviews are limited reviews with a defined scope and are not a review of the entire entity.

Read more about Future Reviews on page 8.

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Chair**

Senator Kyra Hoffner, Vice Chair

Representative Richard Collins

Senator Kyle Evans Gay

Senator Russell Huxtable

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The Division of Research is a nonpartisan and confidential reference bureau for the General Assembly and provides many services, including staff support for JLOSC.

We appreciate the assistance provided by entities under review and their staff.

Special thanks to Dolores Michels for providing the cover photo.

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A Note About This Report

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) approved this final report on May 23, 2024. The following pages summarize the Committee’s work during the second session of the 152nd General Assembly which includes completed reviews, legislation, and future review selections. The Committee’s website provides full reports and additional information.¹

About the Committee

Delaware’s Legislative Oversight and Sunset Law, enacted in 1979 in Chapter 102 of Title 29, provides for the periodic legislative review of entities to assess public need, performance, and effectiveness. JLOSC is responsible for guiding the review process. The Committee is a bipartisan committee comprised of ten legislators, with five senator appointments from the Senate President Pro Tempore and five representatives appointed by the Speaker of the House.

The Committee conducts two types of reviews:

- Full Reviews: JLOSC staff evaluate performance of an entire entity, like a board or commission, using set criteria established by JLOSC statute. The entity under review submits a self-report and presents in a public meeting.
- Focused Reviews: Staff evaluate specific components or policies within an entity, using review criteria set by themselves and the Committee. These reviews don’t require a self-report or presentation from the entity.

After each review, staff present their findings and recommendations at a public meeting. The Committee decides on further steps and adopts recommendations as needed. Recommendations may include the continuance, consolidation, reorganization, transfer, or termination (sunset) of an entity. The Committee utilizes the sunset feature for entities that have concluded their statutory mission, are no longer operational, or duplicate a service. JLOSC does not terminate entities found to be serving a genuine public need and responsive to public interests. The Committee works with these entities to formalize specific statutory and non-statutory recommendations with an end goal of improving the entity’s overall function, performance, and accountability.

Public Participation in the Review Process

Public input is an important part of the review process. JLOSC and its staff encourage the public to submit comments about any entity under review via email at sunset@delaware.gov or anonymously by using the [public comment form](#).

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¹ Committee’s website available at <https://legis.delaware.gov/Committee/Sunset>.

Completed Reviews

In 2024, JLOSC held five public meetings.² The following is a summary of completed reviews.

Continued, Released from Review

- **Delaware Interscholastic Athletic Association “DIAA” (Department of Education).**
 - 2020 review, delayed by the Covid-19 pandemic.
 - JLOSC adopted 15 recommendations, which included holding over DIAA.³
 - Task force formed independent of review:
 - Chaired by Senator Poore and Speaker Longhurst.⁴
 - Eight public meetings held September 2023 – April 2024.
 - JLOSC staff provided research and drafting assistance.
 - DIAA reformed by four task force-sponsored bills.⁵
 - JLOSC received a staff update and released DIAA from review on May 23, 2024.

Terminated, Release Pending Enactment of Legislation

- **Provider Advisory Board (Department of Education).**
 - Initial public hearing held on March 21, 2023.
 - JLOSC adopted one recommendation on April 6, 2023:
 - Hold over the Board, functions of the Provider Advisory Board consolidated into the functions of the Delaware Early Childhood Council (“DECC”).⁶
 - The Board required to report back to the Committee in January 2024.
 - Hold over benchmarks include whether, during the hold over period, the Board held regular meetings, had minimal FOIA violations, and met its statutory functions adequately.
 - Hold over hearing held on March 5, 2024.⁷
 - Staff presented the following hold over observations:
 - The Board is not meeting statutory requirements.
 - The Board continues to violate FOIA.
 - The Office of Child Care Licensing (OCCL) and DECC offer several ways for licensed childcare providers to obtain information from OCCL and to engage in discussions about early childcare issues.
 - OCCL is already working with DECC to directly involve the provider community in its upcoming regulation update.
 - JLOSC adopted three staff recommendations on March 5, 2024.⁸

² All meeting minutes and replay videos are available on the Committee’s [website](#) under “past meetings.”

³ JLOSC adopted recommendations on May 4, 2021. Review documents available under the 2020 review tab of the Committee’s [website](#).

⁴ Senate Concurrent Resolution 19 passed March 30, 2023.

⁵ Senate Bill 259, Senate Bill 260, Senate Bill 280, and Senate Bill 281 (152nd General Assembly).

⁶ Senate Bill 135 signed by the Governor on June 30, 2023.

⁷ All review and hold over documents available under the 2023 review tab of the Committee’s [website](#).

⁸ Adopted recommendations available in Appendix A.

Completed, Focused Review

- **Different Methods that Several State Entities Apply in Implementing the Public Comment Requirements of the Administrative Procedures Act.**
 - Objective of the Review: Evaluate how state agencies related to JLOSC reviews over the last 3 years implement public comment in the promulgation of regulations.
 - Scope: 3-year period.
 - Report presented on March 5, 2024; no action taken by JLOSC.

Legislation

Legislation often emerges from the JLOSC review process to either streamline or dissolve an entity. JLOSC bills are based on consensus and compromise. The Committee's legislative attorney releases bills into the legislative process after review and approval by JLOSC members. In odd-numbered years, bills begin in the Senate Sunset Committee, while in even-numbered years, they start in the House Sunset Committee. You can easily identify a JLOSC bill by checking the first sentence of a bill's synopsis.

Legislation Introduced

JLOSC drafted and approved six bills in 2024. Included below is a brief description and status for each bill.⁹

- **House Bill 298: Adult Protective Services** – Creates the Vulnerable Adult Populations Commission.
 - Passed on June 30, 2024, awaiting Governor's signature.
- **House Bill 366: Technology Investment Council** – Terminates the council.
 - Passed on June 27, 2024, awaiting Governor's signature.
- **House Bill 367: Provider Advisory Board** – Terminates the board.
 - Passed on June 27, 2024, awaiting Governor's signature.
- **House Bill 368: Provider Advisory Board** – Adds a third center-based early care and education provider to the Delaware Early Childhood Council ("DECC").
 - Passed on June 27, 2024, awaiting Governor's signature.
- **House Bill 393: Adult Protective Services** – Technical corrections, statutory modifications.
 - Passed on June 27, 2024, awaiting Governor's signature.
- **House Bill 394: Health Resources Board** – Technical corrections, restructure into an advisory board, create state-wide utilization study, modifications to board composition, procedures, activities subject to review, and charity care.
 - Final status: assigned to House Appropriations Committee.

⁹ Status as of July 31, 2024.

Future Legislation

The following is a list of legislation planned for upcoming sessions.

- **Delaware Guardianship Commission.**
 - Technical corrections, statutory modifications.
- **Delaware Health Resources Board.**
 - Technical corrections, restructure into an advisory board, create state-wide utilization study, modifications to board composition, procedures, activities subject to review, and charity care.
- **State Fire Prevention Commission.**
 - Technical corrections, statutory modifications.
- **Ongoing Clean-Up Project with the Governor's Office.**
 - Items as identified.

Future Reviews

Staff are currently researching the following entities selected by the Committee for full or focused reviews. Presentations will begin in February 2025.

Full Reviews

- **Controlled Substance Advisory Committee (Division of Professional Regulation: Department of State).**
 - Advise the Secretary in matters relating to the Uniform Controlled Substances Act.
 - Regulates and monitors controlled substance use and abuse through registration, inspection, investigation, and education.
 - Registers prescribers, dispensers, and other controlled substance registrants.
 - Issues and renews licenses.
 - Makes recommendations of new or amended controlled substance regulations and disciplinary actions of registrants who violate the law.
- **Delaware Cemetery Board (Division of Public Health: Department of Health and Social Services).**
 - Create rules and regulations to implement Board's statutory power and duties.
 - Designate the registration form for all cemeteries.
 - Address specific cemetery issues as requested by the Governor or the General Assembly.
 - Administer the Distressed Cemetery Fund (created in 2008):
 - Application process.
 - Designate a cemetery as "distressed."
 - Payment authorization.
 - Accounting of funds.
 - Funded by \$2 surcharge on death certificate copies.
 - Fund has annual State Auditor's Office audit mandate.

Full Reviews (continued)

- **Public Integrity Commission (Department of State).**
 - Recommend rules of conduct for public employees to the General Assembly.
 - Issue advisory opinions at the request of state employees relating to the Code of Conduct.
 - Instruct its Counsel to investigate alleged violations of the Code of Conduct.
 - Report substantial evidence of a violation of criminal law.
 - Maintain record of its proceedings, waiver decisions, and advisory opinions.
 - Prepare and publish manuals and guides explaining the duties of state employees and officials.
 - Aid state agencies, employees, and officials in administering the Code of Conduct.

- **Professional Standards Board (Department of Education).**
 - Develop rules and regulations relating to educators' professional development, licensure requirements, certification requirements, and paraprofessional qualifications and training.
 - Works closely with DOE to implement regulations and required by statute to file quarterly reports with the General Assembly, Governor, State Board, and DOE.
 - Board appoints an executive director.
 - Two standing committees established by statute: Licensure and Certification Criteria and Professional Development and Associated Compensation. Each standing committee has at least one member of the Professional Standards Board.

Focused Reviews

- **Lead Poisoning Prevention Program (Division of Public Health: Department of Health and Social Services).**
 - Objective of the Review: An evaluation of the following structures of Delaware's lead poisoning prevention programs as they relate to childhood screening and water sampling:
 - Access to screening at ages 12 and 24 months.
 - Water Testing Program in Delaware schools.
 - Analysis of funds available.
 - Scope: 3-year period.

- **Office of Defense Services (ODS).**
 - Objective of the Review: Evaluate Delaware's system of attorneys for indigent criminal defendants and office resources for the prosecution of criminal cases.
 - Scope: 3-year period.

- **Department of Agriculture and Office of Animal Welfare (OAW).**
 - Objective of the Review: Evaluate the processes and procedures used in cases of imminent danger and seizure of domestic agricultural animals.
 - Scope: 3-year period.

- **DNREC (permits).**
 - Objective of the Review: Evaluate the processing time used for dredging and subaqueous land permits, including residential and commercial permits, and staffing resources.
 - Scope: 3-year period

Focused Reviews (continued)

- **Division of Unemployment Insurance Claimant Services (Department of Labor).**
 - Objective of the Review: An evaluation of claimant services in the Division of Unemployment Insurance with a focus on:
 - Current time required to process a claim.
 - Current notification system.
 - Staffing and funding mechanisms required to meet demand.
 - Scope: Current processes and any changes made within the last 3 years.¹⁰

- **DNREC (EV regs).**
 - Objective of the Review: Evaluate the state's infrastructure readiness to support an increase in electric cars as required by DNREC EV regulations. Review to focus on the following infrastructure components:
 - Electric grid.
 - Electric car charging.
 - Effect on gas tax.
 - Scope: 3-year period.

- **Division of Developmental Disabilities Services (DDDS).**
 - Objective of the Review: Evaluate services available to children once they age out of youth services and move into adult services. Review to include the current availability of adult services.
 - Scope: 3-year period.

- **Assisting the Office of the State Court Administrator with Relocation Options for Non-Judicial Agencies (Courts).**
 - Early 2025, staff will present their summary report regarding their assistance regarding the organizational relocation of the four non-judicial agencies under the judicial branch, which include:
 - Office of the Public Guardian.
 - Office of the Child Advocate.
 - Maternal and Child Death Review Commission.
 - Delaware Nursing Home Residents Quality Assurance Commission.
 - Staff report includes a summary of staff attended meetings, information collected by staff during the planning process, and the report prepared by AOC and submitted to the Joint Finance Committee.
 - There is no action for JLOSC to take on this summary report.

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¹⁰ In light of the [special report](#) regarding the Delaware Unemployment Compensation Fund released by the State Auditor in [March 2024](#) and the legislature's interest, our report will include available updates.

Upcoming JLOSC Public Meetings

The 1st session of the 153rd General Assembly begins on January 14, 2025. JLOSC set its initial 2025 meeting schedule at its May 23, 2024 meeting. The Committee approved the following seven meeting dates.¹¹

Approved 2025 JLOSC Meeting Dates

- Thursday, January 16th 11am-1pm – annual orientation.
- Thursday, January 30th 11am-1pm – agenda TBD.
- Thursday, February 6th 11am-1pm – agenda TBD.
- Thursday, February 13th 11am-1pm – agenda TBD.
- Thursday, February 20th 11am-1pm – agenda TBD.
- Thursday, February 27th 11am-1pm – agenda TBD.
- Thursday, March 6th 11am-1pm – agenda TBD.

Additional meetings scheduled as needed to complete JLOSC business.

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¹¹ Meeting dates subject to change. All meeting announcements and agendas posted on the Delaware General Assembly website and Delaware's Public Meeting Calendar.

Appendix A

Adopted Staff Recommendations

Provider Advisory Board

Staff Recommendations Adopted by JLOSC on March 5, 2024

Staff Recommendation #1, Option 2 – Sunset the Provider Advisory Board

Review and analysis by JLOSC staff conclude the Office of Early Learning, Office of Child Care Licensing, and the Delaware Early Childhood Council provide multiple avenues in which licensed child care providers can participate and advise the Department regarding issues facing the early child care community. The Provider Advisory Board has not met its statutory requirements in consistently advising the Office and Department on proposed regulations or informing the public and other stakeholder groups of its meetings.

Continue or Terminate (standard JLOSC recommendation)

Option 2: The Provider Advisory Board is terminated, and the Committee will sponsor legislation to implement this recommendation.

Staff Recommendation #2 – Add Additional Provider Representative to Delaware Early Childhood Council

JLOSC should consider sponsoring a bill to add an additional provider representative to the Delaware Early Childhood Council, Chapter 30, Title 14, using this review as a guide. JLOSC and Department of Education staff will work together to develop the legislation. JLOSC staff will engage stakeholders as necessary.

Staff Recommendation #3 – Establish an official provider subcommittee of Delaware Early Childhood Council

There is an Access to High Quality Program subcommittee; their goals can mirror those of the Provider Advisory Board, or a new subcommittee can be created. The Office of Child Care Licensing and the Delaware Early Childhood Council will create the new official provider subcommittee of Delaware Early Childhood Council.