

JLOSC RULES

153rd General Assembly (approved January 16, 2025)



Joint Legislative Oversight
& Sunset Committee

RULE 1. Quorum.

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

RULE 2. Quorum Required.

A quorum of the Committee must be present to do any of the following:

- (a) Make a motion.
- (b) Approve the Committee’s final report.
- (c) Approve Committee legislation for introduction.
- (d) Enter executive session.
- (e) Amend a Committee Rule.

RULE 3. Quorum Not Required.

A quorum is not required if the only business the Committee is transacting is to hear an entity under review give a presentation.

RULE 4. Motions.

A motion is carried by an affirmative vote of a majority of the entire Committee, except that an affirmative vote by 7 members is required to do each of the following:

- (a) Adopt a recommendation.
- (b) Approve the Committee’s Final Report.
- (c) Terminate an agency.
- (d) Rescind a vote to terminate an agency.

RULE 5. Changes to Rules.

The Committee may alter, amend, or repeal a Committee Rule at a public meeting. Notice must be provided under Committee Rule 14 and describe, at least in general terms, each alteration, amendment, or repeal that is proposed.

RULE 6. Suspension of Rules.

Committee Rules may be suspended upon a motion approved by a quorum of the Committee.

RULE 7. Mason’s Manual of Legislative Procedures.

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

RULE 8. Chair and Vice Chair.

The chair presides over each Committee meeting. The vice chair presides in the absence of the chair. The chair may designate a temporary chair.

RULE 9. Order and Decorum.

In the interests of order and decorum, each question or comment must first be directed to and acknowledged by the chair.

RULE 10. Questions or Comments at Entity Presentation.

Following a presentation at a public meeting by an entity under review, the chair shall acknowledge questions or comments in the following order:

- (a) Members of the Committee.
- (b) Members of the General Assembly.
- (c) Other elected or appointed officials.
- (d) Individuals representing the entity under review.
- (e) Individuals, including individuals representing an organization other than the entity under review, who wish to make public comment. Individuals may speak only to the subject at hand and each individual is limited to 2 minutes. Individuals may submit public comment in writing to the Committee at any time.

RULE 11. Questions or Comments.

Question or comments made during a meeting relating to Committee recommendations or the completion of the Committee's final report are limited to those from Committee members. Committee staff, however, may comment at the request of or acknowledgment 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 12. Schedule of Meetings.

- (a) The Committee's schedule of meetings must be made publicly available on the General Assembly's website and the Delaware Public Meeting Calendar.
- (b) Information on how to access and register for subscription services for automated, electronic notice of Committee meetings must be included, at a minimum, on the Committee's page of the General Assembly website.

RULE 13. Freedom of Information Act.

Each Committee meeting and policy must conform to the applicable provisions of Delaware's Freedom of Information Act, Chapter 100 of Title 29.

RULE 14. Notice and Agenda.

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, or changes to the agenda must be made to the agenda, at least 6 hours in advance of the meeting. The notice must contain the agenda as it is known at the time of the posting; however, the agenda is subject to change at a Committee meeting upon affirmative vote of a majority of the appointed Committee members.

RULE 15. Minutes.

Minutes of a Committee meeting must include all of the following:

- (a) A list of each Committee member who is present.
- (b) A record, by each Committee member, of each vote taken and each action agreed upon.

RULE 16. Legislative Drafting.

The Committee shall assign legislative drafting necessary to implement its recommendations to a Division of Legislative Services attorney or the Deputy Attorney General assigned to the entity under review. If a Deputy Attorney General drafts the legislation, a Division of Legislative Services attorney must review the draft before it is presented to the Committee. The Committee may temporarily assign legislative drafting duties necessary to implement its recommendations to another legislative attorney if a Division of Legislative Services attorney is not available.

Rule 17. Presentation of Legislation.

The Committee shall post, along with the public notice required by Rule 14, draft legislation to be presented to the Committee for the Committee's consideration at the meeting for which the notice is posted. At the meeting, the chair shall acknowledge questions or comments regarding the draft legislation in the order established in Rule 10.

RULE 18. Custodian of Records.

The Division of Legislative Services is the custodian of the records for the Committee.

RULE 19. In-Person and Virtual Meetings.

The Committee may hold a meeting in-person, as a virtual meeting, or as a hybrid of both an in-person and virtual meeting.

- (a) As used in this rule:
 - (1) "Anchor location" means the physical location within this State that is open to the public and at which 1 or more members of the Committee attend a virtual meeting.
 - (2) "Remote participation" means taking part in a Committee meeting as though physically present at the meeting.
 - (3) "Virtual meeting" means a meeting that meets the requirements under subsection (b) of this rule. "Virtual meeting" includes a meeting that is a hybrid in which a least 1 Committee member participates at the anchor location and at least 1 Committee member participates under subsection (b) of this rule.
- (b) A virtual meeting is a meeting at which a Committee member or another individual participates through the use of any means of communication by which all of the following occur:
 - (1) The identity of a member or individual is verified, and the actions of a member are authenticated, in a manner satisfactory to the chair.
 - (2) During the meeting, each participating member or individual can simultaneously hear or read the comments of each member or individual that is recognized by the chair.

(3) A document that a member or individual uses during the meeting and that the chair accepts is immediately transmitted to each member or individual participating in the meeting.

(4) Except as provided under subsection (c) of this rule, the public may do the following:

- a. Contemporaneously access materials presented at the meeting.
- b. Monitor the proceedings.
- c. Provide public comment, if the Committee is required to accept public comment or provides an opportunity for public comment.
- d. Review a recording of the meeting within a reasonable time after the meeting concludes.

(c)(1) Paragraph (b)(4) of this rule does not apply if the Committee has voted to close the meeting to the public as otherwise permitted by other law of this State.

(2) A technological failure that prevents, or a technological limitation that limits, public access otherwise required under paragraph (b)(4) of this rule does not invalidate a virtual meeting or an action taken at a virtual meeting.

(d) Each action taken during a virtual meeting has the same legal effect as if the Committee members were physically present at the same physical location.

(e)(1) A Committee member who participates in a meeting virtually rather than being physically present at the meeting is not counted toward quorum in determining whether the Committee may transact business. However, a member participating in a meeting virtually may vote as if the member were physically present at the meeting.

(2) This subsection (e) does not apply if the President Pro Tempore of the Senate and the Speaker of the House of Representatives issue a public notice that members of the Senate or House of Representatives or a legislative committee are authorized to convene and conduct a virtual meeting due to an emergency.

(g) The chair shall cause a Committee member or individual participating in a virtual meeting at a location other than an anchor location to be muted on entry into the meeting.

(h)(1) To be recognized to speak, a Committee member or individual participating in a virtual meeting at a location other than an anchor location shall use a technological function that enables the member or individual to be recognized. If a technological failure occurs, the chair may adopt an alternative method for the member or individual to be recognized.

(2) The chair shall cause the member or individual recognized to speak to be unmuted.

(3) On being recognized to speak, the member or individual shall state their name each time before addressing the virtual meeting.

(i) Attendance at a virtual meeting must be taken by roll call.

(j) The chair shall interpret and apply each Committee Rule that presumes or requires the physical presence or act of members or individuals in such a manner to accomplish the same purposes for which the Rules were adopted.

(k) Section 10006A of Title 29 of the Delaware Code does not apply to the Committee. The Committee's ability to hold a virtual meeting is governed by this Rule 19.