

JLOSC RULES

Adopted for the 152nd General Assembly



Joint Legislative Oversight
& Sunset Committee

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:

- (a) Make a motion.
- (b) Conduct sessions to draft the Committee’s Final Report.
- (c) Conduct sessions to draft bills.
- (d) Enter an executive session.
- (e) Amend the Committee’s Rules.

RULE 3. 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:

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

RULE 4. A quorum of the Committee is not necessary to open and conduct public hearings in which an entity under review makes a presentation.

RULE 5. 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 6. In the interests of order and decorum, each question or comment must be directed to and acknowledged by the chair.

RULE 7. Following presentation by an entity under review at a public hearing, 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) An individual (“witness”), including a witness representing an organization, who wishes to make public comment. The witness may speak only to the subject at hand and is limited to 2 minutes.

RULE 8. Question or comments made during a meeting relating to Committee recommendations, legislation 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 9. The Committee's schedule of meetings must be made publically available on the General Assembly's website and distributed to at least all of the following:

- (a) Members of the Committee.
- (b) Members of the General Assembly.
- (c) Governor and Lieutenant Governor.
- (d) As appropriate, elected or appointed officials.
- (e) Entity under review.
- (f) Individuals requesting to be notified of meetings.

RULE 10. Each Committee meeting and policy 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 it is known at the time of the posting; however, the agenda is subject to change upon affirmative vote of the majority of the Committee.

RULE 12. 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 13. The Division of Research is the custodian of the records for the Committee.

RULE 14. The Committee shall assign bill drafting necessary to implement its recommendations to a Legislative Council attorney or the Deputy Attorney General assigned to the entity under review. If a Deputy Attorney General drafts the bill, a Legislative Council attorney must review the draft before it is presented to the Committee. 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 15. 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 the Committee's Rules.

RULE 16. Committee Rules may be altered, amended, repealed, or added to at a Committee meeting if a notice of 7 calendar days is given. The notice must be provided under Rule 11 and describe, at least in general terms, each alteration, amendment, repeal, or addition that is proposed.

RULE 17. Committee Rules may be suspended upon a motion approved by a quorum of the Committee.

RULE 18. The Committee may hold its meetings in-person, as a virtual meeting, or as a hybrid of both 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 member or witness participates through the use of any means of communication by which all of the following occur:

(1) The identity of a member or a witness is verified, and the actions of a member are authenticated, in a manner satisfactory to the chair.

(2) During the meeting, each participating Committee member or witness can simultaneously hear or read the comments of each member or witness that is recognized by the chair.

(3) A document that a Committee member or a witness uses during the meeting and that the chair accepts is immediately transmitted to each member or witness 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) For the purposes of determining quorum for a Committee meeting, a Committee member participating in a virtual meeting at a location other than an anchor location is considered present as if the member were physically present at the meeting.

(f) For the purposes of voting during a Committee meeting, a Committee member participating in a virtual meeting at a location other than an anchor location is able to vote as if the member were physically present at the meeting.

- (g) The chair shall cause a Committee member or witness 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 witness participating in a virtual meeting at a location other than an anchor location shall use a technological function that enables the member or witness to be recognized. If a technological failure occurs, the chair may adopt an alternative method for the member or witness to be recognized.
 - (2) The chair shall cause the member or witness recognized to speak to be unmuted.
 - (3) On being recognized to speak, the recognized member or witness 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 all rules of the Committee that presume or require the physical presence or act of members or witnesses 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 18.