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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 115

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE JOINT LEGISLATIVE
OVERSIGHT AND SUNSET COMMITTEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 10201, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 10201. Definitions.

4 ~~For purposes of this chapter, unless the context otherwise requires~~ As used in this chapter:

5 (3) "Highest administrative officer" means an official who is appointed by the Governor as a member of the
6 Governor's cabinet.

7 Section 2. Amend § 10207, Title 29 of the Delaware Code by making deletions as shown by strike through and
8 insertions as shown by underline as follows:

9 § 10207. Agency reports to the Committee.

10 (b) ~~Each year on or before January 15, In October of the year immediately before an agency is reviewed, unless~~
11 the agency has requested and been granted an extension that may not extend past December 31, each agency under review
12 by the Committee shall forward all of the following to the Committee:

13 (1) The last 5 budget reports relating to all program priorities, activities, and accomplishments, if the agency
14 is subject to zero-based budgeting requirements.

15 (2) A concise and specific statement setting forth the performance or achievement of the agency relating to
16 the criteria for review set forth in § 10211 of this title, and addressing no other subject except the criteria for review.

17 (3) Any additional information requested by the Committee, including any record, document, or file over
18 which the agency has custody or jurisdiction, if the additional information is available.

19 Section 3. Amend § 10209, Title 29 of the Delaware Code by making deletions as shown by strike through and
20 insertions as shown by underline as follows:

21 § 10209. Committee responsibilities and duties.

22 (b) ~~Each year on or before February 7, To review an agency,~~ the Committee shall do all of the following:

(1) Direct staff to prepare a draft report to be used in public hearings.

a. Following review and comment by the Committee, the draft report must be made available to the public.

b. The draft report must contain information that assists the Committee in conducting a review of the agency and meeting its requirements under this section, including background information on and an introductory analysis of the information submitted by the agency under review, together with any preliminary evaluations or recommendations arising from the information in the draft report.

(4) (2) Conduct a thorough review of all information furnished to the Committee by the agency under review.

(2) (3) Obtain, verify, and review any reports, audits, or actions taken by other state agencies concerning the agency under review.

(3) (4) Conduct a performance evaluation of the agency under review based, at least in part, on the following criteria:

~~(4) Direct staff to prepare a draft report to be used in public hearings. Following review and comment by the Committee, the draft report must be made available to the public. The draft report must contain information that assists the Committee in conducting a review of the agency, including background information on, and an introductory analysis of, the information submitted by the agency under review, together with any preliminary evaluations or recommendations arising from the information in the draft report.~~

(5) Review the implementation of recommendations contained in the final reports presented, pursuant to under § 10213 of this title, to the General Assembly and the Governor during previous legislative sessions.

Section 4. Amend § 1210, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 10210. Public hearings.

(a)(1) ~~Between February 7 and the second Tuesday of March~~ From January through March of each year, unless the needs of the General Assembly require otherwise, the Committee shall regularly and uniformly convene initial public hearings scheduled by the Chairperson, in order to provide an opportunity for the Committee to meet with the agencies under review and to help formalize a timetable for the reviews.

(2) Following an initial public hearing for an agency, the Committee may, at the call of the Chairperson, meet to discuss and consider actions and recommendations relating to the agency, with or without the staff of the agency under review.

52 (3) ~~The Committee may, at the call of the Chairperson, hold a public hearing for an agency prior to February~~
53 ~~7, if the draft report of the agency is complete.~~

54 (4) To encourage participation by the general public, hearings and meetings convened ~~pursuant to~~ under this
55 subsection must occasionally be held ~~occasionally~~ in the early evening hours.

56 (b)(1) The highest administrative officer of an agency under review must be present at each public hearing or
57 meeting relating to the agency and convened ~~pursuant to~~ under this chapter, unless excused by the Chairperson, and at any
58 Committee meeting where the officer's attendance is requested. The officer must be prepared to answer questions from
59 members of the Committee and members of the general public.

60 (2) The highest administrative officer of an agency under review may, with the Chairperson's approval,
61 appoint a designee to meet the officer's obligations under paragraph (b)(1) of this section.

62 (3) The Committee may designate a person other than the highest administrative officer of an agency under
63 review to meet the officer's obligations under paragraph (b)(1) of this section.

SYNOPSIS

 This Act makes updates to the Joint Legislative Oversight and Sunset Act ("JLOSC Act") to meet modern-day needs and practices.

 First, this Act defines "highest administrative officer" to clarify that the executive branch, cabinet-level officer of an entity under review must be present at public hearings under the JLOSC Act. Other states have an equal mix of requiring the presence of the cabinet-level official, requiring the presence of the division-level leader, or not clarifying which of the 2 positions must be present. This Act contemplates circumstances under which a person other than the cabinet-level officer may be more appropriate to appear at JLOSC hearings, and therefore authorizes the officer, with the JLOSC Chair's approval, to appoint a designee to meet the officer's obligations, or the JLOSC Committee to designate a person other than the officer.

 This Act also makes changes to specific deadlines that are out-of-step with JLOSC's practices and needs. In doing so, this Act also clarifies language regarding JLOSC staffs' duties and requirements for the JLOSC's draft report.

 Finally, this Act makes technical changes to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lockman