SPONSOR: Sen. Walsh & Rep. Bolden
Sens. Hansen, Sokola, Pettyjohn, Richardson; Reps. Bennett, Brady, Dukes, Spiegelman

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 61

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:

Section 1. Amend § 10214, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10214. Committee recommendations and authority to recall an agency.

(a) In its final report concerning an agency, the Committee may recommend 1 or more of the following:

(1) The continuance of the agency, as is; termination of the agency; termination of any program within the agency; the consolidation, merger, or transfer of the agency or of functions of the agency to another agency; or ~~the~~ hold over or termination of the agency unless or until certain conditions are met or modifications are made, by legislation or otherwise, within a specified period of time.

(2) Budget appropriation limits for an agency.

(3) In general or specific terms, legislation which the Committee considers necessary to carry out its decision as to whether an agency should be continued or terminated.

(b) When the Committee has released an agency from review, it may recall the agency to a public hearing before the Committee to consider making additional recommendations under subsection (a) of this section if either of the following circumstances apply:

(1) The agency has the ability to meet a certain condition or make a modification that the Committee recommended, but fails to do so.

(2) The Committee recommended legislation to amend the agency's governing statute or a related statute, but, for any reason, the legislation failed to be enacted into law.

SYNOPSIS

This Act clarifies the authority of the Joint Legislative Oversight and Sunset Committee ("Committee") to hold over entities unless or until certain conditions are met or modifications are made. This Act also provides the authority for the Committee to recall an entity that has been released from review when the entity has the ability to meet the recommended condition or make the modification but has failed to do so, or when the Committee recommended legislation to amend an entity's governing statute or a related statute, but the legislation fails to be enacted for any reason. If the Committee recalls an entity, it may recommend any of the options available in subsection (a) of this section.

Author: Senator John Walsh

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