

Joint Legislative Oversight
& Sunset Committee

JLOSC Meeting: May 26, 2022

Starting at 12:00 p.m.



Stay Connected

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Division of Research, analysts for JLOSC

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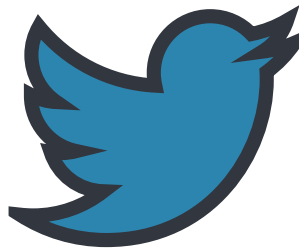
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Sen. Stephanie L. Hansen
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Rep. Krista Griffith
Rep. Kendra Johnson
Rep. Jeff N. Spiegelman
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STATE OF DELAWARE
JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

**Joint Legislative Oversight and Sunset Committee
Virtual Meeting**

Public Viewing Access via General Assembly [Live Stream](#)

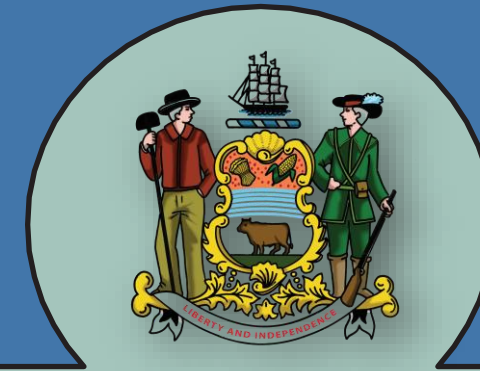
Thursday, May 26, 2022

12:00 p.m.

Agenda

1. Welcome
2. Approve Minutes
3. Draft Legislation
4. Discussion and Approval of 2022 Final Report
5. Adjournment

Legislative Council/Division of Research ♦ Legislative Hall ♦ 411 Legislative Avenue ♦ Dover, Delaware 19901
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Joint Legislative Oversight & Sunset Committee

May 26, 2022

Draft Legislation and Final Report Review

151st General Assembly, 2nd Session

151st GA, 2nd Session Report Highlights

• Completed 7 Reviews (2022)

- Completed in 5 meetings with combined presentation and recommendation format, using new Self and Staff Reports.
- 21 recommendations, continuing 5 and terminating 2 entities.

• 7 Bills Introduced, 2 Waiting for Governor Action

- 2-4 more planned for JLOSC approval, introduction.

• 2023 Reviews Selected and Noticed

- 6 entities selected; Self-Reports are due June 15th.
 - Provider Advisory Board (DOE).
 - Delaware State Arts Council (DOS).
 - Tourism Advisory Board (DOS).
 - State Fire Prevention Commission (FIRE).
 - Delaware Byway Advisory Board (DeIDOT).
 - Delaware Guardianship Commission (COURT).

FINAL REPORT 2022

151st General Assembly, 2nd Legislative Session



Joint Legislative Oversight
& Sunset Committee



*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee
June 2022*

Updates from Committee Analysts:

2022 Reviews

Continued, Release Pending Enactment of Legislation

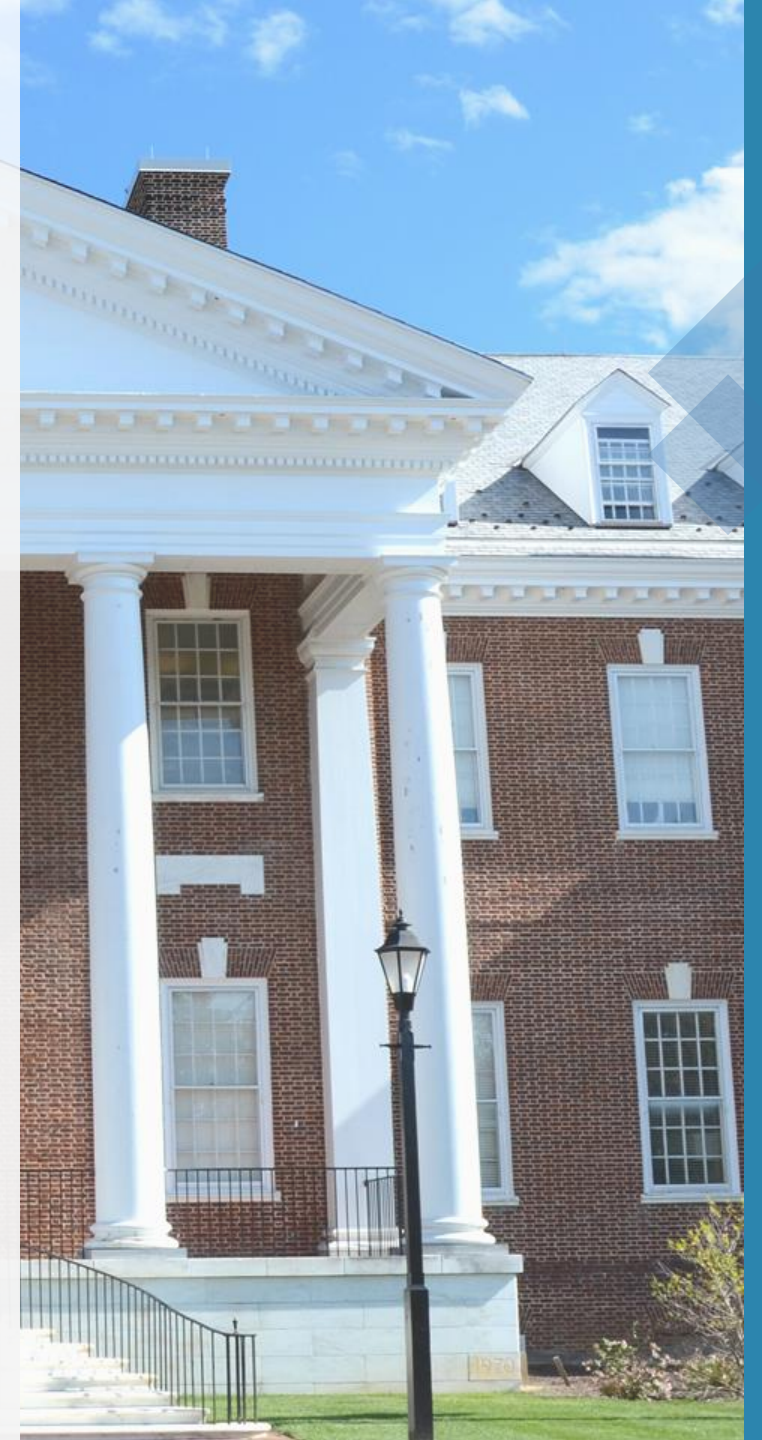
- **Council on Libraries:**
 - 8 staff findings, 3 adopted recommendations.
- **Governor's Commission on Community and Volunteer Service:**
 - 10 staff findings, 5 adopted recommendations.
- **Advisory Council on Pedestrian Awareness and Walkability "Pedestrian Council":**
 - 8 staff findings, 3 adopted recommendations.
- **Technology Investment Council:**
 - 6 staff findings, 3 adopted recommendations.
- **Water Infrastructure Advisory Council:**
 - 6 staff findings, 3 adopted recommendations.

Terminated, Release Pending Enactment of Legislation

- **Medical Marijuana Act Oversight Committee:**
 - 14 staff findings, 3 adopted recommendations.
 - Sunset legislation House Bill 356, House ready list.
- **Family Law Commission:**
 - 8 staff findings, 3 adopted recommendations.
 - Sunset legislation House Bill 381, House ready list.

Limited Reviews, Not Operational

- **Interagency Council on Adult Literacy:**
 - Last meeting held in 2015, nothing to remove in Delaware Code. It is the discretion of the Office of the Governor to fill the Council, leave it vacant, or withdraw Executive Order 40.
- **Delaware Motion Picture and Television Development Commission:**
 - Last meeting held in 2017, Division of Small Business is discussing reorganization with possible statute changes, JLOSC staff will provide an update in 2023.



Holdover Recap

Updates from

Committee Analysts:

2020 Holdovers

- **Conservation District Operations – DNREC Division of Watershed Stewardship:**
 - Released from review, received status report in January 2022.
- **Delaware Health Resources Board (“HRB”).**
 - Holdover. Submitted progress updates.
 - Legislation is pending to restructure into an advisory board, create utilization surveys, complete a state-wide utilization and cost study, and apply numerous statute revisions including technical corrections, modifications to board composition, quorum requirements, activities subject to review, procedures for review, review considerations, and charity care.
- **Delaware Interscholastic Athletic Association (“DIAA”).**
 - Holdover. Submitted progress updates.
 - Legislation is pending to update board member composition and terms, enable revenue collection and the purchase of insurance and make technical corrections.
 - JLOSC can consider release with reporting requirements.
- **Delaware Nursing Home Resident Quality Assurance Commission (“DNHRQAC”).**
 - Release pending upon enactment of legislation.
 - Submitted a progress report in January 2022 and requested a meeting. JLOSC’s February 8, 2022 meeting discussed the Commission’s concerns.
 - Legislation pending to apply technical corrections and add reporting requirements to annual reports. Conversations surrounding administrative and budgetary responsibilities remain ongoing.



Holdover Recap

Updates from

Committee Analysts:

2019 Holdovers

- **Adult Protective Services (“APS”)**
 - Release pending enactment of legislation for technical corrections.
 - Legislation for technical corrections and creating a vulnerable populations commission is currently in draft form, agency reviewing.
 - House Bill 363 adds positions and duties from the defunct APS Advisory Council to the Council on Services for Aging and Adults with Physical Disabilities. Awaiting action from the Governor.
- **Division for the Visually Impaired (“DVI”)**
 - Release pending enactment of legislation for technical corrections.
 - House Bill 382 addresses technical corrections, House Bill 383 addresses redundant language regarding seeing eye dogs, and House Bill 384 addresses the defunct Industries for the Blind.
- **Council on Correction.**
 - Last session Senate Bill 129 enacted restructuring statute based on JLOSC recommendations and provide staffing support under Criminal Justice Council.
 - Held meetings in 2022 with Criminal Justice Council support.
 - JLOSC can consider release.



Holdover Recap

Updates from Committee Analysts:

2022 Legislation

House Ready List as of May 26, 2022

- **Division for the Visually Impaired - :**
 - Corrections and Statue Updates (HB 382).
 - Seeing Eye Dogs (HB 383).
 - Industries for the Blind (HB 384).
- **Family Law Commission:**
 - Sunset the Commission (HB 381).
- **Medical Marijuana Act Oversight Committee:**
 - Sunset the Committee (HB 356).

Passed Senate, Awaiting Governor's Signature

- **Adult Protective Services:**
 - Council on Aging (HB 363).
- **Technology Investment Council:**
 - Technical Corrections and Statute Updates (HB 357).

Legislation Awaiting Introduction (Status as of May 26, 2022)

- **Water Infrastructure Advisory Council:**
 - Technical corrections.
 - Substantive changes (refine quorum, enable subcommittees, and update recent changes regarding virtual meetings).
- **DE Interscholastic Athletic Association:**
 - Technical corrections.
 - Substantive changes (board composition, terms, enable revenue collection & purchasing insurance).
- **DE Nursing Home Resident Quality Assurance Commission:**
 - Technical corrections.
 - Substantive changes (codify changes to annual reporting requirements).
- **DE Health Resources Board:**
 - Technical corrections.
 - Substantive changes (advisory board, utilization reporting, board composition).

Looking Ahead: 2023 Legislation

- **JLOSC statute updates.**
 - Technical corrections, clean up focused review section, update timelines, process, etc.
- **Adult Protective Services:**
 - Technical corrections.
 - Substantive changes (advisory council modifications, creating vulnerable adult commission).
- **Council on Libraries:**
 - Technical corrections
 - Substantive changes (education, vocational rehab, etc.).
- **Advisory Council on Pedestrian Awareness and Walkability “Pedestrian Council”:**
 - Codify Pedestrian Council per JLOSC’s adopted recommendation.
- **Governor’s Commission on Community and Volunteer Service:**
 - Technical corrections, Codifying JLOSC’s adopted recommendation.
- **Ongoing Clean-Up Project with the Governor’s Office:**
 - Items as identified.



Looking Ahead:

Proposed 2023 Review Schedule

- **Now – December 2022:**
 - Selected 2023 review entities submit Self-Report by June 15, 2022.
 - Analysts forward Self-Reports to JLOSC members and post to website.
 - Staff will not edit these reports.
 - Think of this as the entity's first presentation in written form.
 - Staff plans each performance evaluation, 6 entities total.
 - Staff identifies necessary fieldwork which can include entity interviews and public engagement initiatives.
 - Staff completes performance evaluations.
 - Includes research and field work.
 - Staff writes Staff Findings and Recommendations Reports (“Staff Report”).
 - **January 2023:**
 - Hold annual JLOSC orientation meeting.
 - **February – March 2023:**
 - Distribute Staff Reports (with entity comments) to JLOSC members and post to website for the public prior to scheduled presentation meeting.
 - **Hold Presentation Meetings (estimate 3-4 meetings total).**
 - **Continue using new format, combining presentation and recommendation meetings.**
 - Entity presents 15-20 minutes: focused on successes, needs, and Staff Report.
 - Entity's Self-Report contains information from traditional presentation meeting.
 - **Entity still has the burden of showing there is a genuine public need and that they are meeting the need through their self-report and public presentation to JLOSC.**
 - JLOSC questions and comments for entity.
 - Public comment opportunity: entity's review and the Staff Report.
 - JLOSC staff present Staff Report overview.
 - JLOSC considers recommendations.
 - 2023 review selections.
 - Staff notifies review selections, review process starts.
 - **April – June 2023:**
 - Legislation review (legislation review can be included on any agenda, as needed).
 - JLOSC approves final 2023 report.



Looking Further Ahead: Pending Legislation with Statutory JLOSC Mandated Review

Issue Statement: 3-5 sentences that introduce the audit’s focus, highlight important issues, and frame the audit objectives and questions.

Audit Objective: the overall objective for this section of the Matrix.

Audit Questions(s)	Criteria, Information Required, and Sources	Scope and Methodology	Limitations	What the Analysis Likely Will Allow Us to Say
What questions are the audit team trying to answer?	What information will the audit team use to determine the program’s desired or expected results? What information is needed to answer the questions? Where will the team get it?	How will the audit team answer each question? What analysis will the team perform on the information collected?	What are the actual and potential design limitations in answering the questions? How will they affect the audit report? What can be done to mitigate them?	What are the expected results of the audit work? What information does the team hope to learn?

- House Bill 410 (introduced 5/10/22).
 - Creates a childcare employee tax credit.
 - Section 3, lines 93-96 include a statutory mandated review in FY 2029:
 - The Joint Legislative Oversight and Sunset Committee (“Committee”) shall, during fiscal year 2029, review this Act to determine if there is a genuine need for the continuation of this Act and if this Act is satisfactorily and effectively meeting the need. After review, the Committee shall recommend to the General Assembly the continuation of this Act as is, modifications to this Act, or termination of this Act.

- JLOSC staff welcomes this type of work, it can be assigned at anytime (focused reviews).
- Performance evaluations (audits) are not just used for standard JLOSC reviews of boards and committees.
 - JLOSC staff can perform a performance evaluation on programs or policies.
 - Example of what planning would look like is to the left.

Remaining 2022 Schedule

June 6th @ 1pm

➤ Legislation consideration.



Delaware General Assembly 2022 Legislative Calendar

January						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					






February						
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March						
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April						
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May						
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29	30	31				

June						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

	Legislative Session		Easter Break
	JFC Hearings		JFC Markup
	Bond Hearings		

Holidays
January 17: Martin Luther King, Jr. Day
February 21: Presidents' Day
April 17: Easter Sunday
May 30: Memorial Day
June 19: Juneteenth

Additional Notable Dates
March 21: DEFAC
May 16: DEFAC
June 17: DEFAC