

Joint Legislative Oversight
& Sunset Committee

JLOSC Meeting: March 2, 2023 Starting at 1:00 p.m.



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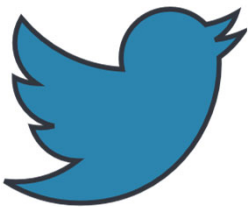
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Written public comments accepted via email or
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FULL REVIEW PROCESS (REQUIRED ANNUALLY)



SELF REPORT

JLOSC staff provides template and instructions to selected entities.

Contains questions to gain a basic pool of background info and preliminary insight on entity performance.

Entity completes and returns to JLOSC staff within 10 weeks.

JLOSC staff distributes to JLOSC members and uploads a copy to JLOSC website.



RESEARCH & STAFF REPORT

JLOSC Analysts conduct research and performance evaluation of entity using national standards.

Compile findings and recommendations into a Staff Report.

Recommendations included are not final unless adopted by JLOSC.

Staff Report outlines the objectives, scope, & methodology used.

Entity reviews Staff Report and submits written comments to be included.

JLOSC Analysts finalize and distribute to JLOSC members and upload to JLOSC website prior to Presentation Meeting.



PRESENTATION MEETING

Entity's "time to shine."

Presents for 15-20 minutes.

Entity under review has the burden of proving a public need exists and this need is being met.

JLOSC members ask questions.

Public comment accepted.

JLOSC Analysts present highlights from the Staff Report.

JLOSC discusses and votes on recommendations.

Affirmative vote of 7 members required to adopt a recommendation.



ADDITIONAL MEETINGS if necessary

Additional recommendation meetings needed if necessary.

JLOSC can holdover entities and request progress reports.

Meetings scheduled as needed for entities held over by JLOSC.

FOCUSED REVIEW PROCESS (OPTIONAL)



RESEARCH

Proactive or reactive review of specific issue, rule, regulation, statute, policy, or program component. Not a review of the entire entity.

Using national standards, JLOSC staff plan and conduct research within scope determined by the Committee.

Research includes public outreach, interviews, and other necessary fieldwork.

Public outreach could include public input forums or surveys.



STAFF REPORT

JLOSC Analysts compile their findings and recommendations into a Staff Report.

Recommendations included are not final until adopted by JLOSC.

Staff Report outlines objectives, scope, & methodology used during research.

JLOSC Analysts finalize and distribute to JLOSC members, any affected entities, and upload to JLOSC website prior to Public Meeting.



PUBLIC MEETING

JLOSC Analysts present highlights from their Staff Report.

JLOSC discusses, votes on recommendations, and determines next steps, including the need for an additional meeting with the entity.

Affirmative vote of 7 members required to adopt a recommendation.



ADDITIONAL MEETINGS if necessary

Additional meetings for follow-up or recommendation discussions.

2024 REVIEW SELECTION DISCUSSION

FULL REVIEW



1. **Board of Home Inspectors:** Professional standards and protects the public from unsafe practices.
2. **Childhood Lead Poisoning Advisory Council:** Advise on the the Childhood Lead Poisoning Prevention Act.
3. **Community Advisory Board:** Reviewing, advocating, and advising on policies in the best interest of juveniles.
4. **Controlled Substance Advisory Committee:** Regulation and monitoring of controlled substances to protect public health.
5. **Delaware Cemetery Board:** Registers cemeteries in Delaware and administers the Distressed Cemetery Fund.
6. **Homeland Security Advisory Council:** Provide advice and assistance to Safety and Homeland Security/Homeland Security Advisor.
7. **Nutrient Management Commission:** Direct the Nutrient Management Program and develop regulations.
8. **Public Integrity Commission:** Oversees Delaware's ethics laws..
9. **Sex Offender Management Board:** Develops standards and guidelines for sex offenders within the criminal justice system.
10. **Workers' Compensation Oversight Panel:** Oversee the Delaware Workers' Compensation Health Care Payment System.

Full Review Selection:

- JLOSC Analysts prepare list for JLOSC consideration.
- Selection is **required** under statute.
- Staff recommends selection of 5-6 entities.
- JLOSC selects entities for full review with 7 affirmative votes.
- Included on February agendas.

Focused Review Selection:

- JLOSC selects topics for focused review with 7 affirmative votes.
- Selection is **optional**.
- JLOSC can select topics for focused review at any time.



SELECTION PROCESS

FULL REVIEWS

March 2, 2023 Slate of 2024 Full Reviews



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Controlled Substance Advisory Committee (Division of Professional Regulation: Dept of State).

- Advise the Secretary in matters relating to the Uniform Controlled Substances Act.
- Regulates and monitors controlled substance use and abuse through registration, inspection, investigation, and education.
- Registers prescribers, dispensers, and other controlled substance registrants.
- Issues and renews licenses.
- Makes recommendations of new or amended controlled substance regulations and disciplinary actions of registrants who violate the law.

Delaware Cemetery Board (Division of Public Health: DHSS).

- Create rules and regulations to implement Board's statutory power and duties.
- Designate the registration form for all cemeteries.
- Address specific cemetery issues as requested by the Governor or the General Assembly.
- Administer the Distressed Cemetery Fund (created in 2008):
 - Application process.
 - Designate a cemetery as "distressed."
 - Payment authorization.
 - Accounting of funds.
 - Funded by \$2 surcharge on death certificate copies.
 - Fund has annual State Auditor's Office audit mandate.

Public Integrity Commission (Office of the Governor).

- Recommend rules of conduct for public employees to the General Assembly.
- Issue written advisory opinions at the request of state employees relating to the Delaware's Code of Conduct.
- Instruct its Counsel to investigate alleged violations of the Code of Conduct.
- Report substantial evidence of a violation of criminal law.
- Maintain record of its proceedings, waiver decisions, and advisory opinions.
- Prepare and publish manuals and guides explaining the duties of state employees and officials.
- Aid state agencies, employees, and officials in administering the Code of Conduct.

Sex Offender Management Board (Department of Safety and Homeland Security).

- Develop and prescribe a standardized procedure for evaluating, identifying, and classifying adult and juvenile sex offenders.
- Develop guidelines and standards of programs for treating sex offenders and monitoring progress of treatment.
- Consult and approve the risk assessment screening mechanism to assist sentencing authorities.
- Research and analyze the effectiveness of the sex offender management programs.
- Research and analyze the safety issues raised by the location of sex offenders within communities.
- Develop education materials regarding general information, safety concerns, and other necessary material.

The following entity was added by a JLOSC member for consideration:

Professional Standards Board (Department of Education).

- Develop rules and regulations relating to educators' professional development, licensure requirements, certification requirements and paraprofessional qualifications and training.
- Works closely with DOE to implement regulations and required by statute to file quarterly reports with the General Assembly, Governor, State Board, and DOE.
- Board appoints an executive director.
- Two standing committees identified in statute: (1) Licensure and Certification Criteria and (2) Professional Development and Associated Compensation.
 - Each standing committee has at least 1 member of the Professional Standards Board.

FOCUSED REVIEWS



March 2, 2023 Scope of Focused Review Ideas

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Childhood Lead Poisoning

Option A: Full Review of the Childhood Lead Poisoning Advisory Council

- Objective: A performance evaluation of the advisory council, based on the extent to which it is serving the public interest and meeting statutory obligations:
 - Advise on the implementation of the Childhood Lead Poisoning Prevention Act.
 - Make necessary recommendations for its implementation or improvement.
 - Prepare and distribute an annual report highlighting intervention activities, studies of incidence, the State Blood Lead Screening Program, and monitoring regulations.
- Scope: 5-year performance period

Option B: Focused Review of the Lead Poisoning Prevention Program

- Objective: An evaluation of the following structures of Delaware's lead poisoning prevention programs as it relates to childhood screening and water sampling:
 - Access to screening at 12 and 24 months.
 - Water Testing Program in Delaware schools.
 - Analysis of funds available.
- Scope: 3-year period.

Division of Unemployment Insurance

- Objective: An evaluation of claimant services in the Division of Unemployment Insurance with a focus on:
 - Current time required to process a claim.
 - Current notification system.
 - Staffing and funding mechanisms required to meet demand.
- Scope: Current processes and any changes made within the last 3 years.

Review Standards Act Related to Delmarva Power Surcharges

Option A: Renewable Energy Portfolio Standards Act of 2005, amended 2021.

Established a market for electricity from renewable energy resources in Delaware while lowering the cost of electricity from these resources to consumers.

Option B: Energy Efficiency Resource Standards Act of 2009

Created the Energy Efficiency Resource Standards (EERS) and set goals for consumption, peak demand for electricity, and natural gas utilities. JLOSC reviewed the related Sustainable Energy Utility in 2013 and enacted legislation to implement recommendations.

- Objective: An evaluation of the following aspects of the program:
 - Costs associated with administering program.
 - Analysis of expenditures.
 - Current level of funding.
- Scope: Program costs and expenditures over the previous 5 years and any projects earmarked with funding through 2024.


Delaware Litter Programming

- Objective: Outline programs and entities involved with litter removal.
- Scope: Provide information on available state litter removal programs in operation over the previous 3 years.



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