

CHAPTER 133  
FORMERLY  
SENATE BILL NO. 64  
AS AMENDED BY  
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE LAND PROTECTION ACT.

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

Section 1. Amend § 7505, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7505. Delaware Open Space Council.

(b) The Council shall have 9 members. The Council shall consist ~~of~~ of the following:

(1) One member of the Senate appointed by the President Pro Tempore to serve at the pleasure of the President Pro ~~Tempore~~; Tempore.

(2) One member of the House of Representatives appointed by the Speaker of the House to serve at the pleasure of the Speaker of the ~~House~~; House.

(3) Seven members appointed by the Governor to serve at the pleasure of the Governor, at least 4 of whom shall be persons who have been active or have shown an interest in preserving open space. ~~Of the 7 members appointed by the Governor, 3 shall be persons who reside in New Castle County, 2 shall be persons who reside in Kent County, and 2 shall be persons who reside in Sussex County. Initially, 2 members shall be appointed for 2 years; 2 members for 3 years; and 3 members for 4 years. The membership shall be representative of all counties in the State. Appointments shall be for 4-year terms, provided that the terms of newly appointed members will be staggered so that no more than 4 appointments shall expire annually. Members may be appointed for less than 4 years to ensure that members' terms expire on a staggered basis. Thereafter members shall serve 4 year terms, provided that at the end of a member's term such member~~ A member appointed under this paragraph shall continue to serve beyond the expiration of the member's term until a successor is duly appointed; appointed.

(4) No more than 5 Council members ~~shall be~~ of 1 political party; provided however, that failing or declining to announce one's political affiliation shall not make such person ineligible for ~~appointment~~; appointment.

(5) The Secretaries of Agriculture and State, the Director of the Delaware Economic Development Office, and the State Liaison Officer for the federal Land and Water Conservation ~~Fund~~ Fund, or their duly authorized designees, who shall be ex officio members of the Council without voting powers.

(h) A Council member may be removed by the member's appointing authority at any time, without notice and hearing, and for any reason, including for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office. A member shall be deemed in neglect of duty if they are absent from 3 consecutive Council meetings without good cause or if they attend less than 50% of Council meetings in a calendar year.

Approved July 28, 2015