

LAWS OF DELAWARE  
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CHAPTER 426  
152nd GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 286

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE HISPANIC COMMISSION.

WHEREAS, Hispanic culture is tied to Iberian ancestry, and includes people of Hispanic descent who are multiracial and multicultural and who can trace their historical roots to Indigenous and African ancestry; and

WHEREAS, people of Hispanic descents' heritage includes cultures across 24 countries and territories in Latin America, the Caribbean, and Europe, specifically: The United States, Mexico, Guatemala, Puerto Rico, the Dominican Republic, Cuba, Belize, El Salvador, Costa Rica, Honduras, Nicaragua, Panama, Columbia, Peru, Ecuador, Paraguay, Uruguay, Brazil, Venezuela, Argentina, Bolivia, Chile, Spain, and Equatorial Guinea; and

WHEREAS, people of Hispanic descents' heritage of the United States extends historically over 5 centuries and has been a consistent and vital influence in our country's growth and prosperity; and

WHEREAS, people of Hispanic descent have made vast contributions to the quality of life in Delaware through its work in government, health, business, education, science, art, non-profits, public safety, music, and athletics; and

WHEREAS, people of Hispanic descent are the fastest-growing ethnic or racial minority group in Delaware and the United States of America; and

WHEREAS, according to the 2020 U.S. Census about 104,290, or more than 1 in 10, Delawareans identified as people of Hispanic descent; and

WHEREAS, people of Hispanic descent in Delaware are a diverse set of first-generation immigrants and longtime residents; and

WHEREAS, on July 11, 1978, Governor Pete DuPont created the Governor's Council on Hispanic Affairs to address the challenges and opportunities specific to people of Hispanic descent in Delaware, and successive governors have updated and expanded the responsibilities of the Governor's Council on Hispanic Affairs; and

WHEREAS, to further the work of the Council on Hispanic Affairs, on August 17, 2006, Governor Ruth Ann Minner created the Governor's Consortium on Hispanic Affairs to work with business, government, financial, educational, and nonprofit groups to review and study issues affecting people of Hispanic descent in Delaware, and to seek funding from foundations and other sources to support people of Hispanic descent in Delaware; and

WHEREAS, on September 2, 2011, Governor Jack Markell established the Delaware Hispanic Commission ("Commission") to enhance and streamline the earlier efforts of the Governor's Council on Hispanic Affairs and the Governor's Consortium on Hispanic Affairs; and

WHEREAS, communication with people of Hispanic descent in Delaware is critical to ensuring that services, programs, and policies support people of Hispanic descent in Delaware; and

WHEREAS, under this Act, the Commission will continue performing the same duties it has since its creation by the Governor; and

WHEREAS, codifying the Commission will create equity with other heritage commissions created under Title 29; and

WHEREAS, codifying the Commission will also help the Commission to perform its duties by creating long-term stability, allowing the Commission's members to be appointed by a variety of stakeholders, and giving the Commission guidance from the Delaware Department of State.

NOW, THEREFORE:

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

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

Chapter 45. Delaware Hispanic Commission.

§ 4501. Delaware Hispanic Commission; creation and purpose.

The Delaware Hispanic Commission ("Commission") is created to do all of the following:

(1) Advise the Governor, members of the Governor's Cabinet, members of the General Assembly, and other policymakers on ways to improve the delivery of services to the people of Hispanic descent in Delaware.

(2) Review, study, and prioritize matters that affect the people of Hispanic descent in Delaware, including all of the following matters:

- a. Education.
- b. Social services.
- c. Housing.
- d. Health care.
- e. Culture.
- f. History.
- g. The arts.
- h. Human and civil rights.
- i. Legal and legislative.
- j. Employment.
- k. Finance.
- l. Business.
- m. Economic development.

(3) Work with government agencies, business groups, and nonprofit organizations to support people of Hispanic descent in Delaware.

(4) Work with education and business groups in Delaware to provide access to education and employment opportunities to people of Hispanic descent in Delaware.

(5) Get funding from foundation and government sources to support people of Hispanic descent in Delaware.

(6) Give recommendations to the Governor and the General Assembly on pending legislation that affects people of Hispanic descent in Delaware.

(7) Create and maintain cultural ties between people of Hispanic descent in Delaware and people of Hispanic descent in European, Latin American, and the Caribbean countries and in territories.

(8) Establish and promote programs and events that create awareness of people of Hispanic descents' culture, history, and language.

§ 4503. Organization; quorum.

(a) The Commission shall adopt bylaws to carry out the purpose and duties of the Commission, including to do all of the following:

- (1) Elect an officer.
- (2) Remove an officer.
- (3) Create standards and ethics for members of the Commission.
- (4) Remove a member of the Commission.
- (5) Create a committee.
- (6) Conduct a meeting.
- (7) Other matters that help the Commission perform its duties.

(b) A majority of the members must be present at a Commission meeting in order to have a quorum and conduct official business. A majority of the members present at a meeting at which a quorum is present is sufficient to approve an action of the Commission. A vacancy on the Commission is not counted for a quorum.

§ 4504. Authority.

The Commission is under the authority of the Secretary of State and has the powers, duties, and functions described in § 4501 of this title and other duties and functions that may be referred to the Commission by the Governor, the Secretary of State, or the General Assembly.

§ 4505. Committees; creation and purpose.

The Commission may create a committee, which may include nonmembers, to do any of the following:

- (1) Engage with other organizations and individuals in the State that share a similar mission.
- (2) Exchange ideas and information with other organizations and individuals in the State that share a similar mission.

(3) Provide other organizations and individuals in the State that share a similar mission the opportunity to help the Commission.

§ 4506. Compensation.

All members of the Commission and all members of a committee established by the Commission serve without compensation.

§ 4507. Budget.

Each fiscal year, the Commission shall send a proposed annual budget to the Secretary of State and the Commission must operate within the limit of the General Assembly's appropriation of funds.

Section 2. Amend Part IV, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Membership; qualifications; terms.

(a)(1) Except as otherwise provided in subsection (e) of this section, the Commission consists of no more than 18 members who are appointed by the Governor.

(2) The members appointed under paragraph (a)(1) of this section serve at the pleasure of the Governor.

(b)(1) A member appointed under paragraph (a)(1) of this section or a member serving in accordance with subsection (e) of this section may be removed by the Governor for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office. The Governor may consider a member who is in neglect of duty in office to have resigned and may accept the member's resignation.

(2) A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Commission meetings or attends less than 50% of Commission meetings in a calendar year, unless a majority of the Commission excuses the member for good cause.

(c) All members of the Commission must identify as a person of Hispanic descent, be a person of Hispanic origin, or have a proven track record of working with people of Hispanic descent in Delaware.

(d) All members of the Commission must be part of at least 1 of the following:

(1) The business community.

(2) The education community.

(3) The health-care community.

(4) A State government agency.

(5) The nonprofit community.

(6) The legal community.

(7) The finance community.

(8) The arts or cultural community.

(e)(1) The chair and members of the Delaware Hispanic Commission created by the Governor's executive order are the chair and members of the Commission created by this chapter and serve at the pleasure of the Governor.

(2) If the chair becomes vacant, then the Governor shall appoint a replacement chair.

(f) Except as otherwise provided in subsection (e) of this section, the officers of the Delaware Hispanic Commission created by the Governor's executive order are, subject to the Commission's bylaws, the officers of the Commission created by this chapter.

Section 3. Amend Part IV, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Membership; qualifications; terms.

(a) The Commission consists of 17 members. Membership is composed as follows:

(1) Nine members appointed by the Governor, 3 from each county in the State.

(2) Three members appointed by the Speaker of the House of Representatives.

(3) Three members appointed by the President Pro Tempore of the Senate.

(4) Notwithstanding § 4503(b) of this title, after the other appointing authorities have appointed 15 members in accordance with paragraphs (a)(1) through (a)(3) of this section, the Commission shall appoint 2 members by an affirmative vote of a majority of all appointed members.

(b)(1) A member appointed under paragraphs (a)(1) through (a)(4) of this section serve at the pleasure of the appointing authority and may be removed by the member's appointing authority for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office.

(2) An appointing authority may consider that appointing authority's member who is in neglect of duty in office or ceases to meet a county representation to have resigned and may accept the member's resignation.

a. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Commission meetings or attends less than 50% of Commission meetings in a calendar year, unless a majority of the Commission excuses the member for good cause.

b. A member ceases to meet a residency requirement if the member is no longer a resident of the county in which the member resided when appointed to the Commission and the residency was a requirement of the appointment.

(c) All members of the Commission must identify as a person of Hispanic descent, be a person of Hispanic origin, or have a proven track record of working with people of Hispanic descent in Delaware.

(d) All members of the Commission must be part of at least 1 of the following:

(1) The business community.

(2) The education community.

(3) The health-care community.

(4) A State government agency.

(5) The nonprofit community.

(6) The legal community.

(7) The finance community.

(8) The arts or cultural community.

(e) The Commission shall elect 1 chair and 1 vice chair from among its members. If the chair becomes vacant, the Commission shall elect a new chair at its next meeting. If the vice chair becomes vacant, the Commission shall elect a new vice chair at its next meeting.

(f) In addition to duties that the Commission may create in its bylaws, the chair of the Commission has all of the following duties:

(1) Setting a date, time, and place for meetings of the Commission.

(2) Supervising the preparation and distribution of meeting notices, agendas, minutes, and other documents prepared by or on behalf of the Commission.

(g) If the chair becomes vacant, then the vice chair shall perform the duties of the chair until a replacement is elected by the Commission. If there is no vice chair, then the Secretary of State, or the Secretary's designee, shall perform the duties of the chair until a replacement is elected by the Commission.

Section 4. Section 1 and Section 2 of this Act take effect on enactment.

Section 5. Section 2 of this Act expires on July 1, 2028.

Section 6. Section 3 of this Act takes effect on July 1, 2028.

Approved September 26, 2024