



SPONSOR: Sen. Lockman & Rep. Bentz
Sens. Delcollo, Hansen, Lopez, Walsh; Reps. Bennett,
Dorsey Walker, Spiegelman, Yearick

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 111

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ADVISORY COUNCIL TO THE
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES.

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

1 Section 1. Amend § 7910, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 7910. Advisory Council to the Division of Developmental Disabilities Services.

4 (a) There is established the Advisory Council to the Division of Developmental Disabilities Services.

5 (b) The Advisory Council to the Division of Developmental Disabilities Services ~~shall serve~~ serves in an advisory
6 capacity to the Director of the Division of Developmental Disabilities ~~Services and shall consider~~ Services, to considers
7 matters relating to ~~persons~~ individuals diagnosed with intellectual disabilities or specific developmental disabilities in ~~the~~
8 State this State and ~~such matters as may be referred to it by the Governor, Secretary of the Department~~ other matters that
9 the Governor, Secretary of the Department, or Director of the Division of Developmental Disabilities Services may refer to
10 it. The Council may study, research, ~~plan~~ plan, and advise the Director, the ~~Secretary~~ Secretary, and the Governor on
11 matters it deems appropriate to enable the Division to function in the best possible manner.

12 (c) The Advisory Council to the Division of Developmental Disabilities Services ~~shall be~~ is composed of 7
13 members who ~~shall be~~ are appointed ~~for 3-year terms~~ by the Governor.

14 (d) ~~At least 3, but no more than 4, of the members of the Council shall be affiliated with 1 of the major political~~
15 ~~parties and at least 2, but no more than 3, of the members shall be affiliated with the other major political party; provided,~~
16 ~~however, that there shall be no more than a bare majority representation of 1 major political party over the other major~~
17 ~~political party. Any person who declines to announce such person's political affiliation shall also be eligible for~~
18 ~~appointment as a member of the Council.~~ [Repealed.]

19 (e) Members of the Council ~~shall serve without~~ receive no compensation, ~~except that they~~ but may be reimbursed
20 for reasonable and necessary expenses incident to their duties as members of the Council.

21 (f) ~~A Chairperson of the Council shall be chosen by the members of the Council from among its members and~~
22 ~~shall serve in that capacity for a term of 1 year and shall be eligible for reelection.~~ The Council shall annually elect a chair
23 from among its members.

24 (g) ~~Any replacement appointment to the Council to fill a vacancy prior to the expiration of a term shall be filled~~
25 ~~only for the remainder of the term.~~ The Governor may appoint a member for a term of up to 3 years to ensure that no more
26 than 3 members' terms expire in a year.

27 (h) The number of members who must be present at a Council meeting in order to have a quorum and conduct
28 official business is a majority of the appointed members. Counting for quorum does not include member positions that are
29 vacant.

30 (i) The Governor may remove a member for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect
31 of duty in office. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Council
32 meetings or attends less than 50% of Council meetings in a calendar year. The Governor may consider the member to have
33 resigned, and may accept the member's resignation.

SYNOPSIS

The Joint Legislative Oversight and Sunset Committee approved a project to work with the Governor's Office throughout 2018 and 2019 to identify antiquated boards, commissions, and councils that need statutory updates or outright repeals. The Advisory Council to the Division of Developmental Disabilities Services was identified as needing updates to change terms to "up to" 3 years, remove political party balance, and make it easier to fill vacancies.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lockman