



SPONSOR: Rep. Hudson & Rep. Wilson & Sen. Hocker
Reps. Dukes, Matthews, Miro; Sens. Bonini, Cloutier,
Lavelle

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 245

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO GRANT-IN-AID COMMITTEE.

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

Section 1. Add a new chapter to Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 10601. Definitions

For purposes of this chapter, unless the context otherwise requires:

(1) Grant-in-Aid recipient means any agency meeting the following criteria:

- a. Be an incorporated non-profit (or under the umbrella of a parent organization which is an incorporated, non-profit) for two years prior to receiving funding;
- b. Have by-laws that clearly state the purpose of the Corporation and include definition of duties of Board of Directors;
- c. Have an active, community-represented, volunteer Board of Directors that sets policies, goals and objectives, and maintains minutes of regularly scheduled meetings and any special meetings;
- d. Have programs that are unduplicated by other state-supported agencies and satisfy unmet human needs of the community; have personnel policies including job descriptions and classifications;
- e. No agency shall use Grant-in-Aid funds to pay any part of an elected official's salary or benefits;
- f. Have competent executives, competent staffing, and reasonable facilities;
- g. Practice non-discrimination;
- h. Have accounting (budget) procedures and an annual audit;
- i. Use funds in accordance with the application;
- j. Demonstrate community support; and
- k. Request funds only for a program which does not receive full funding from other sources of revenue, and no funds appropriated shall be expended in a political campaign.

22 (2) “Committee” or “Joint Legislative Grant-in-Aid Committee” means the joint legislative committee established
23 by this chapter.

24 (3) “Performance Evaluation and Validation Review” means an assessment to verify the effectiveness of the
25 grant-in-aid recipient and the validity of the agency and goals set to achieve the objectives of the agency.

26 § 10601 Declaration of policy.

27 (a) It is essential that the public have confidence that Grants-in-Aid have been provided to recipients that are
28 validly and effectively achieving the goals for which the General Assembly has appropriated funds.

29 (b) The purpose of this chapter is to increase the accountability of Grant-in-Aid recipients by providing legislative
30 review of the effectiveness and validity of the aid recipients. The intent of the General Assembly is to establish a timetable
31 to review the performance and efficacy of aid recipients.

32 § 10603 Joint Legislative Grant-in-Aid Committee composition; Chairperson; appointment; quorum;
33 reimbursement; meetings.

34 (a) The Joint Legislative Grant-in-Aid Committee is composed of 5 members of the Senate appointed by the
35 President Pro Tempore and 5 members of the House of Representatives appointed by the Speaker of the House. Not more
36 than 3 Senate appointees, nor 3 House appointees, may belong to the same political party. The Chairperson and Vice
37 Chairperson of the Committee alternate each year between a Representative appointed by the Speaker of the House and a
38 Senator appointed by the President Pro Tem of the Senate. During odd-numbered years, a Senator serves as chairperson and
39 a Representative serves as Vice Chairperson; during even-numbered years, a Representative serves as Chairperson and a
40 Senator serves as Vice Chairperson.

41 (b) In each General Assembly, new members of the Committee must be appointed within the month of January, or
42 within 1 week of the organization of each respective house, whichever is later.

43 (c) A quorum consists of at least 6 Committee members. A quorum must be present in order to transact business.
44 If a quorum is present, a proposition is carried by a majority of the entire Committee, unless a statute or rule requires a
45 larger number of affirmative votes.

46 (d) A member of the Committee is entitled to reimbursement from the appropriate funds of the member's house
47 for the expenses that the member actually and necessarily incurs in performing the duties of the Committee. A request for
48 reimbursement must be approved by the Chairperson of the Committee.

49 (e) A member of the Joint Finance Committee or Legislative Council may not serve on the Committee. However,
50 this subsection does not apply when the minority party in either house has less than 7 members.

(f) Although all meetings of the Committee are open to the public, only members of the Committee and persons designated by the Chairperson are permitted to speak or otherwise participate.

§ 10604 Committee staff; appropriations.

Employees of the Division of Research of Legislative Council and of the Office of the Controller General serve as the permanent staff of the Committee. The Committee may, by the affirmative vote of at least 6 members, provide for other assistance, equipment, or expenditures that are within the limits of the Committee's budget. The General Assembly shall appropriate funds that it considers necessary to carry out the activities and goals of the Committee.

§ 10605 Committee rules and regulations.

The Committee may adopt Committee rules and regulations necessary to carry out the activities and goals of this chapter.

§ 10606 Committee subpoena powers.

(a) The Committee may issue process to witnesses at any place in this State and compel their attendance, and compel the production of books, records, papers, and other objects that may be necessary or proper for the purposes of the Committee's proceedings. The Committee may issue attachments when necessary to obtain compliance with subpoenas or other process. An attachment so issued may be addressed to and served by any peace officer in this State. The Chairperson of the Committee shall issue in the name of the Committee any subpoenas requested by the Committee, if the request received the affirmative vote of at least 6 members of the Committee. If the Chairperson of the Committee is unavailable, the designee of the Chairperson may issue subpoenas or any other lawful process in accord with the provisions of this subsection.

(b) All testimony taken under subpoena must be given under oath subject to the penalties of perjury, and must be reduced to writing.

§ 10607 Grant-in-Aid recipient reports to the Committee.

(a) Each agency under review by the Committee shall forward to the Committee an annual report containing all of the following information:

(1) A chart or diagram showing the greater agency of which it is a part, if any, and all agencies over which it has jurisdiction.

(2) Agency goals and objectives, and any and all information demonstrating how the goals and objectives were met.

(3) A report identifying how the state funds were used by the agency.

(4) The total value of state funds or materials, or both, used by the agency for each of the last 5 fiscal years.

81 (b) Each year on or before January 15, each agency under review by the Committee shall forward all of the
82 following to the Committee:

83 (1) The last 5 budget reports relating to all program priorities, activities, and accomplishments.

84 (2) A concise and specific statement setting forth the performance or achievement of the agency relating to the
85 criteria for review set forth in § 10211 of this title, and addressing no other subject except the criteria for review.

86 (3) Any additional information requested by the Committee, including any record, document, or file over which
87 the agency has custody or jurisdiction.

88 (c) Notwithstanding any other law or statute to the contrary, upon notification to an agency that it is under review
89 by the Committee, the agency shall forward all information set forth in this section to the Committee, and shall update the
90 information and provide additional information that the Committee or its staff may from time to time request.

SYNOPSIS

This bill is intended to provide the General Assembly with the ability to review and evaluate the performance and achievements of the grant-in-aid recipients.