



SPONSOR: Sen. Hansen & Rep. Heffernan  
Sens. Ennis, Henry, McDowell, Sokola, Townsend; Reps.  
Baumbach, Gray, Hudson, Kenton, Mitchell, Osienski,  
M. Smith, Viola

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 153

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

1 WHEREAS, Senate Concurrent Resolution No. 20 passed by the 149th General Assembly created the bi-partisan  
2 Statewide Ecological Extinction Task Force (“Task Force”); and

3 WHEREAS, the Task Force was charged with studying the extinction of local plant and animal species in  
4 Delaware and reporting its findings and recommendations for action to the President Pro Tempore of the Senate and the  
5 Speaker of the House of Representatives for distribution to the members of the General Assembly, with a copy to the  
6 Governor and others by December 1, 2017; and

7 WHEREAS, the Task Force was comprised of environmental experts with an understanding of species extinction,  
8 stakeholders in land development, local government officials from all 3 counties, the agricultural community, and the  
9 business community; and

10 WHEREAS, the Task Force heard testimony from experts and developed findings and recommendations for action  
11 in order to reverse the trend of extinction and extirpation of our local plant and animal native species; and

12 WHEREAS, the findings and recommendations for action were numerous and wide-ranging; and

13 WHEREAS, the Task Force issued the “Final Report of the Statewide Ecological Extinction Task Force” on  
14 December 1, 2017, incorporating its findings and recommendations for action; and

15 WHEREAS, the Task Force recommended the creation of the Delaware Native Species Commission reflecting a  
16 balance of interests between environmental professionals, government, and other stakeholders in order to implement the  
17 recommendations of the Task Force.

18 NOW, THEREFORE:

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

20 Section 1. Amend Chapter 80, Title 29 of the Delaware Code by making deletions as shown by strike through and  
21 insertions as shown by underline as follows:

22 Subchapter III. Delaware Native Species Commission.

23           § 8071. Purpose.

24           The Delaware Native Species Commission is created to do all of the following:

25                     (1) Reverse the trend of decline and extinction of our local plant and animal native species.

26                     (2) Diligently pursue and perform those things necessary and proper in order that the recommendations in  
27           the Final Report of the Statewide Ecological Extinction Task Force be fully implemented.

28                     (3) Provide state and local lawmakers, policy makers, educators, and other stakeholders with expertise  
29           and assistance in projects meeting the goals and purposes of this subchapter.

30                     (4) Report back to the General Assembly on a yearly basis regarding the implementation of the Task  
31           Force recommendations.

32           § 8072. Definitions.

33           For purposes of this subchapter:

34                     (1) “Appointed member” means an individual appointed by the Governor under § 8073(a)(2) of this  
35           subchapter.

36                     (2) “Commission” means the Delaware Native Species Commission.

37                     (3) “DNREC” means the Department of Natural Resources and Environmental Control.

38                     (4) “Task Force recommendations” means the recommendations in the Final Report of the Statewide  
39           Ecological Extinction Task Force established by Senate Concurrent Resolution No. 20 of the 149th General  
40           Assembly.

41           § 8073. Commission membership; qualifications; term of office.

42           (a) The Commission is composed of 15 members, as follows:

43                     (1) Five members serving by virtue of position, or a designee appointed by the member, as follows:

44                             a. The Secretary of the DNREC.

45                             b. The Secretary of the Department of Agriculture.

46                             c. The County Executive of New Castle County.

47                             d. The County Administrator for Kent County.

48                             e. The County Administrator for Sussex County.

49                     (2) Ten members who are citizens of the State and appointed by the Governor, as follows:

50                             a. Five individuals who represent environmental organizations or Delaware institutions of higher  
51           education, with expertise regarding Delaware plant or animal species.

52 b. Five individuals who represent stakeholder commercial interests, such as land development,  
53 farming, and business.

54 (b) An appointed member serves for a term of up to 3 years and is eligible for reappointment. The Governor shall  
55 appoint members for staggered terms so that no more than 5 members' terms expire in any 1 calendar year.

56 (c) If an appointed member fails to attend 3 successive meetings of the Commission, that member's position may  
57 be deemed vacant by the Commission and the Governor may appoint a replacement.

58 (d) Members of the Commission serve without compensation, except that the Commission may reimburse  
59 members for reasonable and necessary mileage and tolls incident to duties as members of the Commission.

60 § 8074. Authority; staffing.

61 (a) The Commission shall be placed within DNREC and shall have such powers, duties, and functions as described  
62 in this subchapter and such other duties and functions as may be referred to it by the Governor, the Secretary of DNREC, or  
63 the General Assembly.

64 (b) The Secretary of DNREC shall provide staff support to the Commission.

65 § 8075. Chair; selection and duties.

66 (a) The Commission shall elect a Chair at its first meeting and the Chair shall serve until a replacement is elected.  
67 If the Chair becomes vacant, the Secretary of DNREC, or the Secretary's designee, shall fulfill the duties of the Chair  
68 contained in subsection (b) of this section until a replacement is elected at its next meeting.

69 (b) The Chair of the Commission shall do all of the following:

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

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

73 § 8076. Quorum and conduct of business.

74 (a) A majority of the membership of the Commission constitutes a quorum to conduct official business. Official  
75 action by the Commission, including making findings and recommendations, requires the approval of a majority of the  
76 members of the Commission present at a meeting with quorum.

77 (b) The Commission may adopt rules necessary for its operation.

78 (c) The Commission may undertake the following functions to implement the Task Force recommendations and to  
79 further the goals and purposes of the Commission:

80 (1) Establish subcommittees.

81                   (2) Engage with other organizations to exchange ideas and information and to provide those other  
82                   organizations with the opportunity to engage with the Commission.

83                   (3) Study, research, plan, and make advisory recommendations to the Governor, the Secretary of State,  
84                   the Secretary of DNREC, the Department of Agriculture, or the General Assembly.

85                   (d) In carrying out the Commission's duties under this subchapter, the Commission shall consider any related  
86                   plans and programs developed by other organizations with expertise in native species conservation or protection, or in the  
87                   eradication of invasive species, and may designate representatives to serve on special committees, organizations, or other  
88                   entities to plan, develop, and coordinate specific activities.

89                   § 8077. Annual Report.

90                   On or before December 31, 2018, and on or before every December 31 thereafter, the Commission shall submit to  
91                   the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives for distribution to  
92                   the members of the General Assembly, an annual report of the Commission's activities for the previous year and goals for  
93                   the upcoming year. The report may also include proposals for legislation, administrative action, or other policy changes the  
94                   Commission considers necessary to carry out its implementation of the Task Force recommendations or further the goals  
95                   and purposes of this subchapter.

96                   Section 2. The Secretary of DNREC shall set the date, time, and place for the initial organizational meeting and  
97                   the Commission shall hold its first meeting no later than August 1, 2018.

98                   Section 3. This Act expires 10 years after its enactment into law, unless otherwise provided by a subsequent act of  
99                   the General Assembly.

#### SYNOPSIS

This Act creates the Delaware Native Species Commission ("Commission"), which is one of the recommendations of the Statewide Ecological Extinction Task Force, created by Senate Concurrent Resolution No. 20 of the 149th General Assembly. The Commission will terminate 10 years from enactment unless extended by the General Assembly.

Author: Senator Hansen