

CHAPTER 256
FORMERLY
SENATE BILL NO. 153
AND
SENATE AMENDMENT NO. 2

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

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

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

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

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

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

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

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

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

NOW, THEREFORE:

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

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

Subchapter III. Delaware Native Species Commission.

§ 8071. Purpose.

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

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

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

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

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

§ 8072. Definitions.

For purposes of this subchapter:

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

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

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

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

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

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

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

a. The Secretary of the DNREC.

b. The Secretary of the Department of Agriculture.

c. The County Executive of New Castle County.

d. The County Administrator for Kent County.

e. The County Administrator for Sussex County.

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

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

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

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

(c) If an appointed member fails to attend 3 successive meetings of the Commission without just cause, that member's position may be deemed vacant and the Governor may appoint a replacement.

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

§ 8074. Authority; staffing.

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

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

§ 8075. Chair and Vice Chair; selection and duties.

(a) The Commission shall elect a Chair and Vice Chair at its first meeting and the Chair and Vice Chair shall serve until a replacement is elected. If the Chair becomes vacant, the Vice Chair shall fulfill the duties of the Chair contained in subsection (b) of this section until a replacement is elected at its next meeting.

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

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

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

§ 8076. Quorum and conduct of business.

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

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

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

(1) Establish subcommittees.

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

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

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

§ 8077. Annual Report.

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

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

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

Approved June 7, 2018