

CHAPTER 99
FORMERLY
SENATE BILL NO. 108

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE ADVISORY COUNCIL ON TIDAL FINFISHERIES.

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

Section 1. Amend § 904, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 904. Advisory Council on Tidal Finfisheries; establishment; organization; authority.

~~There is hereby created an Advisory Council on Tidal Finfisheries. The Council shall consist of 7 members, all of whom shall be residents of the State. The Governor shall nominate and the majority of the Senate shall confirm all members of the Council. The following provisions are applicable to the Council:~~

~~(1) There shall be at all times no less than 2 members of the Council from each county of the State;~~

~~(2) Three members of the Council shall represent recreational finfishing interests to include, but not limited to, the bait and tackle industry, fishing from shore, fishing from a privately owned vessel or the charter or head boat industry; provided that any said member representing recreational fishing interests shall not be a licensed commercial food fisher. Three members of the Council shall represent commercial finfishing interests to include, but not limited to, the wholesale of seafood, fishing with fixed fishing equipment and fishing with drifting or hauling fishing equipment. The seventh member of Council shall be the designated Chairperson who shall be impartial to recreational or commercial fishing;~~

~~(3) No member of the Council shall be employed by the Department;~~

~~(4) The terms of the original members of the Council shall be as follows: the Chairperson shall serve for 2 years; 2 members shall serve for 3 years; and 2 members shall serve for 4 years; and 2 members shall serve for 5 years. Upon the expiration of the terms of the original members, the term of each member and the Chairperson serving thereafter shall be for 5 years. No member shall serve any subsequent term(s) within 1 year after the end of the member's previous term. The Governor shall nominate a new member to fill any vacancy that has been created by a Council member who has either resigned or died. Said person shall be confirmed by the majority of the Senate and shall serve for the remainder of the term of the member that either resigned or died. Said nominations to fill vacancies in the Council shall be made by the Governor within 60 days after said vacancy has been created;~~

(a) There is created an Advisory Council on Tidal Finfisheries to advise the Director on all matters relating to tidal finfisheries management.

(b) The Council shall have 7 members, all of whom shall be appointed by the Governor. Council members shall consist of the following:

(1) Two members who are residents of New Castle County.

(2) Two members who are residents of Kent County.

(3) Two members who are residents of Sussex County.

(4) One member who is a resident of this state to serve as Chair.

(c) In addition to the residency requirements of subsection (b) of this section, Council members shall meet the following criteria:

(1) Three Council members shall represent recreational finfishing interests, such as the bait and tackle industry, fishing from shore, fishing from a privately owned vessel, or the charter or head boat industry. None of the members representing the recreational finfishing interests shall be a licensed commercial food fisher.

(2) Three Council members shall represent commercial finfishing interests, such as the wholesale of seafood, fishing with fixed fishing equipment, and fishing with drifting or hauling fishing equipment.

(3) The Council Chair shall be knowledgeable about finfishing, but impartial to recreational and commercial fishing interests.

(d) No Council member shall be employed by the Department.

(e) Appointments to Council shall be for terms of up to 4 years to ensure that no more than 2 members' terms shall expire in any year.

~~(5) (f) The number of members needed to be present at a Council meeting in order to have a quorum and conduct official business shall be no less than 4; A majority of members appointed to Council shall constitute a quorum to conduct official business.~~

~~(6) (g) The Council shall meet and conduct official business after the Chairperson Chair gives notice to all members of any meeting to be held by the Council, and the Council shall meet no less than once during each quarter of the State's fiscal year; year.~~

~~(7) (h) Members of the Council shall serve without compensation. Each member shall be entitled to reimbursement by the Department from the Finfisheries Development Fund for actual and necessary expenses incurred traveling to and from meetings of the Council; Council.~~

~~(8) (i) The Council shall submit a report to the Delaware General Assembly prior to January 1 of each calendar year starting in 1985, and said report shall consist of the Council's recommended revisions, additions, deletions or no changes to this chapter. following:~~

(1) Council's recommended revisions, additions, or deletions to this chapter, if any.

(2) A summary of Council's activities of the previous year.

(j) A Council member may be removed at any time for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

(1) A member who is absent from 3 consecutive Council meetings without good cause or who attends less than 50% of Council meetings in a calendar year shall be deemed in neglect of duty.

(2) Any member who is deemed in neglect of duty shall be considered to have resigned.

Approved July 15, 2015