

CHAPTER 328
FORMERLY
SENATE BILL NO. 222
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE HERITAGE COMMISSION AND THE COUNCIL ON ARCHIVES.

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

Section 1. Amend § 523, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

~~§ 523. Council on Archives.~~

~~(a) There is hereby established the Council on Archives.~~

~~(b) The Council on Archives shall serve in an advisory capacity to the Department and shall consider matters relating to archives and archival standards throughout the State and such other matters as may be referred to it by the Governor, the Secretary of the Department or the General Assembly. The Council on Archives may study, research, plan and make advisory recommendations to the Governor, the Secretary of the Department or the General Assembly on matters it deems appropriate to provide the best possible archival service in Delaware.~~

~~(c) The Council on Archives shall serve as the state historical records advisory board for the purposes of satisfying regulations established by the National Historical Publications and Records Commission of the National Archives. The Council on Archives will complete all activities required by the National Historical Publications and Records Commission for the State Historical Records Advisory Board.~~

~~(d) The Council on Archives shall be composed of 12 members, all of whom shall be appointed by the Governor. Four members shall be appointed for a term of 1 year, 4 members shall be appointed for a term of 2 years, and 4 members shall be appointed for a term of 3 years; and after the initial appointments, all terms shall be for 3 years. No member shall be appointed for more than 2 consecutive terms. The Director of the Delaware Public Archives shall serve as the Chairperson of the Council on Archives.~~

~~(e) Members of the Council on Archives shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties.~~

~~(f) A vacancy prior to the expiration of the term of a member of the Council on Archives shall be filled for the remainder of the term.~~

Section 2. Amend § 3201, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(a) The Delaware Heritage Commission is established and shall be composed of 15 citizens of the State appointed by the Governor. Members shall serve terms of up to 3 years, excepting the Chairperson, who shall serve at the pleasure of the Governor. Members shall be appointed for staggered terms, so that no more than 5 members' terms shall expire in any 1 calendar year.

~~(a) There is created the Delaware Heritage Commission composed of 15 citizens of the State appointed by the Governor for 3 year terms, 1 of whom shall be designated by the Governor as Chairperson of the Commission. Upon the date of enactment of this section, the Governor shall appoint 4 of the current members of the Commission to serve 4 year terms, 4 members to serve 3 year terms, 4 members to serve 2 year terms, and 3 members to serve 1 year terms. Thereafter all terms shall be for 3 years. A member appointed to fill a vacancy occurring otherwise than by expiration of a term shall be appointed for the remainder of the unexpired term.~~

~~(c) The Director of the Division of Historical and Cultural Affairs and the Director of the Delaware Public Archives shall serve as an ex officio, nonvoting members of the Commission.~~

(1) The Director of the Delaware Public Archives shall be a voting member by virtue of his administrative duties overseeing the Delaware Heritage Office, as set forth in § 3202(b) of this title, and the responsibilities of his office under regulations established by the National Historical Publications and Records Commission of the National Archives and Records Administration.

(2) The Director of the Division of Historical and Cultural Affairs, and such other representatives of government agencies and nonprofit organizations as the Commission may deem appropriate to appoint, shall be ex officio, nonvoting members. The Commission may create subcommittees, which may consist of non-members, to facilitate its work, and the Commission is authorized to enter into ex officio nonvoting representation from other agencies of government and from nonprofit organizations as the Commission may deem appropriate.

Section 3. Amend § 3202, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 3202. Delaware Heritage Office; personnel thereof; exemption of Executive Director from merit system.

~~(b) The Delaware Heritage Office shall be headed by an Executive Director, who shall be a person qualified by education and experience to perform the duties of the position. The Executive Director shall be exempt from the State Merit System and shall be appointed by the Secretary of State upon the recommendation of the Director of the Public Archives in consultation with the Commission. The Executive Director shall be subject to removal, with or without cause, by the Secretary of State after consultation with the Commission and the Director of the Public Archives.~~

~~(e)(b)~~ The Delaware Heritage Office may employ such other personnel as the Secretary of State, in consultation with the Director of the Public Archives and the Commission, shall determine to be necessary to perform the work of the said Office. Such additional personnel shall be State Merit System employees and shall be hired through the Merit System employment process. The Office shall be under the administrative authority of

the Director of the Public Archives and shall assist the Commission in carrying out its duties and functions as set forth in § 3203 of this title.

Section 4. Amend § 3203 Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

~~(c) The Delaware Heritage Office may employ such other personnel as the Secretary of State, in consultation with the Director of the Public Archives and the Commission, shall determine to be necessary to perform the work of the said Office. Such additional personnel shall be State Merit System employees and shall be hired through the Merit System employment process. The Office shall be under the administrative authority of the Director of the Public Archives and shall assist the Commission in carrying out its duties and functions as set forth in § 3203 of this title.~~

(e) The Commission shall, no later than December 31 of each year, submit to the Governor and to the General Assembly an annual report of the Commission's activities and recommendations. Such activities and recommendations may include but are not limited to:

- (1) The production, publication and distribution of books, pamphlets, films and other educational materials on the history, culture and political thought of this nation and State;
- (2) Bibliographical and documentary projects and publications;
- (3) Conferences, convocations, lectures, seminars and other programs;
- (4) The development of permanent memorials and exhibits, including mobile exhibits;
- (5) Ceremonies and celebrations commemorating specific events;
- (6) Programs and activities on the local, national and international significance of the American Democracy and its implications for present and future generations; ~~and~~
- (7) The issuance of commemorative medals, seals, automotive license plates and certificates of recognition; ~~and~~
- (8) The issuance of grants for projects related to Delaware heritage.

(f) The Commission shall consider matters relating to archives and archival standards throughout the State, and such other matters as may be referred to it by the Governor, the Secretary of State or the General Assembly. The Commission may study, research, plan and make advisory recommendations to the Governor, the Secretary of State or the General Assembly on matters it deems appropriate to provide the best possible archive service in Delaware and to ensure the proper management, preservation, stewardship and use of public and private records of historical value.

(g) The Commission shall serve as the state historical records advisory board for the purposes of satisfying regulations established by the National Historical Publications and Records Commission of the National Archives and Records Administration. The Commission will complete all activities required by the National Historical Publications and Records Commission for the State Historical Records Advisory Board.

Section 5. Amend § 3204, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(b) The Commission ~~shall determine if there are~~ may identify sites within the State ~~which~~ that are appropriate for preservation or ~~development~~ restoration in order to assure that fitting observances and exhibits may be held.

Section 6. Amend § 3205, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(b) Property, including money, acquired by the Commission or by its non-profit corporation as provided for under the provisions of § 3203 of this Title ~~may~~ shall be deposited with the Secretary of State, for the sole and exclusive use of the Commission, for preservation and financial management.

Approved July 12, 2012