

LAWS OF DELAWARE
VOLUME 83
CHAPTER 310
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 190

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PARKS AND RECREATION COUNCIL.

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:

§ 8009. Parks and Recreation Council.

(a) There is established the Parks and Recreation Council.

(b) The Parks and Recreation Council shall serve in an advisory capacity to the Director of Parks and Recreation and shall consider matters related to the planning, acquisition, development, management, ~~conservation~~ conservation, and programming of lands and services under the jurisdiction of the Division, and such other matters as may be referred to it by the Governor, the Secretary of the Department of Natural Resources and Environmental Control or the Director. The Council shall review and recommend to the Department the approval of funding from the ~~Conservation Trust Fund~~ Outdoor Recreation Parks and Trails (ORPT) program for park development projects and serve as the review authority for other state and federal funding programs if called upon to do so. The Council may also study, research, ~~plan~~ plan, and advise the Director, the ~~Secretary~~ Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best manner possible. The Council may also recommend to the Department for adoption, after public hearing, any rules and regulations as may be necessary to carry out any provisions of the section.

(c) The Parks and Recreation Council shall be composed of ~~11~~ 16 members who shall be appointed as follows:

(1) ~~Nine~~ Eleven members shall be appointed by the Governor and shall be eligible for reappointment. The term of any member serving shall be for 3 years.

(2) At least ~~four~~ 6 of the ~~nine~~ 11 members appointed by the Governor shall have experience ~~and/or or~~ expertise ~~expertise, or both~~, in the management of recreation programs and parks. The remaining members may be composed of other related disciplines and interests including, ~~but not limited to~~, cultural affairs, trails and greenways, fish and wildlife, tourism, finance, conservation, marketing, special populations, education, and Delaware State Parks friends organizations.

(3) ~~The remaining 2 members shall be representatives of each of the Division's officially constituted advisory organizations: The Fort Delaware Society and the Natural Areas Advisory Council. These members shall be appointed annually by their respective organizations. The Natural Areas Advisory Council shall annually appoint a member to represent the Council.~~

(4) The remaining 4 members will be members of the General Assembly. One member from the majority party and 1 member from the minority party of the Delaware House of Representatives will be appointed by the Speaker of the House, and 1 member from the majority party and 1 member from the minority party of the Delaware State Senate will be appointed by the President Pro Tempore. The term of the General Assembly members serving shall be for 3 years.

(d) No more than ~~four~~ 6 of the members appointed by the Governor shall be affiliated with the same political party. Any person who declines to announce his or her political affiliation shall also be eligible for appointment as a member of the Council.

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

(f) Failure to attend 3 consecutive regular meetings of the Council in the absence of mitigating circumstances shall be construed as a request by that member to resign from the Council and a replacement may thereafter be appointed in his or her stead.

(g) A Chairperson and Vice Chair shall be chosen by the members of the Council from among its membership and shall serve in that capacity for a term of 1 year. The Chairperson and Vice Chair shall be eligible for reelection.

(h) Any replacement appointment to the Council to fill a vacancy prior to the expiration of a term shall serve out the remainder of the term.

§ 8017A. Delaware Council on Greenways and Trails.

(a) There is hereby established the Delaware Council on Greenways and Trails (successor to the Delaware Coastal Heritage Greenways Council) created for the following purposes:

(1) Evaluate the natural, coastal, cultural historical and recreational resources of Delaware and determine which of these resources should be components of a Delaware Greenway network;

(2) Promote and encourage public agencies, nonprofit organizations, private organizations and individuals to create, where appropriate, physical linkages between components of Greenways. Such linkage may involve the acquisition or other methods that provide for the permanent protection of open space within Greenways and establishment of trails, walkways, bicycles routes and/or scenic highways throughout Greenways.

(b) The Delaware Council on Greenways and Trails shall serve in an advisory capacity to the Secretary of the Department. Duties of the Council shall include, but not be limited to, the following:

(1) Adopt criteria for the establishment and maintenance of Greenway links to serve the long-term needs of Delaware's environment and the recreational needs of the citizens of this State;

(2) Establish a program of cooperation and coordination with the governing bodies of the governmental planning department, counties, municipalities and other units of general government below the state level and with private nonprofit of public organizations to assist in the creation and preservation of natural, coastal, cultural, historical and recreational resources as Greenways throughout this State;

(3) Review and recommend to the Department for approval and funding of Greenway acquisition and development projects, to be funded from the Earnings Account of the Delaware Land and Water Conservation Trust Fund, established pursuant to § 5423(d) of Title 30;

(4) Enhance education and promotion of Delaware Greenways;

(5) Establish internal committees and/or encourage and promote establishment of new organizations, the purpose of which will be to develop and, where appropriate, implement strategies for a comprehensive greenway system;

(6) The Council may also recommend to the Department for adoption, after public hearing, any rules and regulations as may be necessary to carry out the provisions of the section.

(c) The Council shall be composed of 19 members. The Governor shall designate one member to serve as Chairperson.

Members of the Council shall be:

(1) The Secretary of the Department of Natural Resources and Environmental Control or authorized designee;

(2) The Secretary of the Department of Transportation or authorized designee;

(3) The Secretary of the Department of Agriculture or authorized designee;

(4) The Director of the Division of Historical and Cultural Affairs;

(5) The Director of the Delaware Tourism Office;

(6) Eight members of the private or nonprofit sectors as shall be appointed by the Governor; provided, however, that any member of the former Delaware Coastal Heritage Greenway Council shall be permitted to complete any unexpired term;

(7) One member from the minority party and 2 members from the majority party of the Delaware House of Representatives appointed by the Speaker of the House;

(8) One member from the minority party and 2 members from the majority party of the Delaware State Senate appointed by the President Pro Tempore.

(d) Upon the expiration of the terms of the original members having designated terms, the terms of such members' positions thereafter shall be 3 years. For the members appointed to the positions indicated in subsection (c)(6) of this section, members registered in either major political party shall not exceed the other major political party by more than 1.

(e) The Secretary shall determine which applications eligible for funding under § 5423 of Title 30 shall be subject to review by this Council. Greenways projects shall qualify as projects under the provisions of § 5423 of Title 30.

Approved June 14, 2022