

LAWS OF DELAWARE
VOLUME 84
CHAPTER 480
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 410

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ESTABLISHING THE LEGISLATIVE HALL ART AND HISTORY ADVISORY COMMISSION.

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

Section 1. Amend Chapter 9, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 915. Legislative Hall Art and History Advisory Commission.

(a) The Legislative Hall Art and History Advisory Commission (“Commission”) is established within the General Assembly to advise and make recommendations to Legislative Council on the gift, loan, or purchase of art, monuments, and historical exhibits to be displayed in Legislative Hall or on the grounds of Legislative Hall on a permanent or temporary basis.

(b) In developing recommendations to Legislative Council, the Commission shall do all of the following:

(1) Receive proposals from artists and historians, art and history organizations, and other individuals and evaluate the extent to which the proposals meet the criteria under subsection (c) of this section.

(2) If recommended, include a summary of how the recommendation meets the criteria under subsection (c) of this section and the cost and logistical needs to implement the recommendation.

(c) Art, monuments, and historical exhibits to be displayed in Legislative Hall or on the grounds of Legislative Hall must engage individuals to do one or more of the following:

(1) Reflect on the rich and diverse history, cultures, and artistic and historical contributions of the people of Delaware.

(2) Participate in the artistic, historical, political, or cultural life of this State.

(3) Understand Delaware government.

(4) Appreciate the varied landscapes of Delaware.

(d) The Commission consists of the following members, or a designee selected by a member serving by virtue of position:

(1) Six residents of this State with knowledge or experience in art or Delaware history and appointed as follows:

a. Two residents appointed by the Governor.

b. Two residents appointed by the Speaker of the House of Representatives.

c. Two residents appointed by the President Pro Tempore of the Senate.

(2) The Chief Clerk of the House of Representatives.

(3) The Secretary of the Senate.

(4) The Director of the Division of Research, who shall also serve as Secretary to the Commission.

(5) The Chair of the Delaware Heritage Commission.

(6) The Director of the Division of Historical and Cultural Affairs.

(7) The Director of the Division of the Arts.

(8) The Director of the Delaware Public Archives.

(9) The Executive Director of the Delaware Historical Society.

(10) The Executive Director of the Delaware Art Museum.

(e)(1) A member of the Commission appointed under paragraph (d)(1) of this section serves at the pleasure of the appointing authority.

(2) The Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate shall make reasonable efforts to ensure each county is represented by the members of the Commission appointed under paragraph (d)(1) of this section.

(3) A member may be removed by the member’s appointing authority for any reason, including gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty.

a. A member is deemed in neglect of duty if the member is absent from 3 consecutive Commission meetings without good cause or fails to attend at least 50% of all regular Commission meetings in a calendar year.

b. A member who is deemed in neglect of duty is considered to have resigned.

(f) The Secretary of the Senate is the Chair of the Commission in odd-numbered years and Vice-Chair in even-numbered years and the Chief Clerk of the House of Representatives is Chair of the Commission in even-numbered years and Vice-Chair in odd-numbered years.

(g)(1) A quorum of the Commission is a majority of its members.

(2) Official action by the Commission, including making findings and recommendations, requires the approval of a quorum of the Commission.

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

(4) The Commission may invite individuals with relevant expertise to participate in Commission discussions. An individual invited to participate in Commission discussions is not a member of the Commission.

(5) A member of the Commission with the ability to designate another individual to attend a Commission meeting must provide the designation in writing to the Chair. An individual attending a meeting for a member as a designee has the same duties and rights as the member.

(h) A member of the Commission may not receive compensation but may be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.

(i) Legislative Council, or the Commission with approval of Legislative Council, may accept donations of money, property, and personal services related to art, monuments, and historical exhibits recommended by the Commission and approved by Legislative Council.

(j) Art, monuments, and historical exhibits recommended by the Commission and approved by Legislative Council may be placed in any location in Legislative Hall or on the grounds of Legislative Hall, if the location is approved by Legislative Council.

(k) The Division of Research shall provide staff support to the Commission.

Section 2. Amend § 10004, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10004. Open meetings.

(h) This section shall not apply to the proceedings of:

(7) Public bodies within the legislative branch of the state government other than the House of Representatives, the Senate, the Joint Finance Committee, the Joint Committee on Capital Improvement, the Joint Legislative Oversight and Sunset Committee, Legislative Council, Legislative Hall Art and History Advisory Commission, committees, excluding ethics committees, specifically enumerated and created by Resolution of the House of Representatives or Senate or task forces specifically enumerated and created by Resolution of the House of Representatives or Senate;

Approved October 9, 2024