

TITLE 31

Welfare

Welfare Agencies

CHAPTER 30. STATE HUMAN RELATIONS COMMISSION

§ 3001 Creation; composition; vacancies; compensation.

(a) There is created a State Human Relations Commission which shall consist of 28 members. Each county of the State shall be represented by 7 members, and 7 members shall be selected without regard to the county in which they reside. The members shall be appointed by the Governor and shall be broadly representative of various racial and cultural groups of the State. Seven of the original members shall be appointed for a term of 1 year, 7 for a term of 2 years, 7 for a term of 3 years and 7 for a term of 4 years. Thereafter, all appointments shall be made for terms of 4 years.

(b) In the event of death, removal or resignation of a member, a successor shall be appointed to serve for the unexpired term.

(c) Members shall serve without compensation but shall be reimbursed for actual and necessary expenses; provided, however, that those Commissioners designated by the Chairperson to serve on hearing panels shall be compensated the sum of \$50 per day up to a maximum of \$500 in a calendar year for each day spent in attendance of a hearing.

(d) Any member of the Commission who fails to attend 3 consecutive meetings, without reasonable excuse to the Chairperson, or fails to attend at least half of all regular business meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office and the Chairperson shall immediately notify the Governor that a vacancy on the Commission exists and that a replacement must be appointed. The notice shall identify the member deemed to have resigned and the reason therefore.

(e) The Commission shall adopt bylaws that provide for operating procedures such as: election of officers, appointment of committees, designation of a quorum, conducting of meetings, and other matters that will promote the efficient operation of the Commission in the performance of its duties under this chapter.

31 Del. C. 1953, § 3001; [53 Del. Laws, c. 261, § 1](#); [65 Del. Laws, c. 377, §§ 7, 8](#); [70 Del. Laws, c. 186, § 1](#); [75 Del. Laws, c. 356, §§ 3, 4](#);

§ 3002 Chairperson and executive committee; meetings.

- (a) The Governor shall designate 1 of the members of the Commission to serve as its Chairperson.
- (b) The Chairperson of the Commission may appoint an executive committee of not less than 7 members. The Chairperson shall serve as Chairperson of the executive committee.
- (c) There shall be a meeting of the executive committee or of the Commission at least once a month.

31 Del. C. 1953, § 3002; [53 Del. Laws, c. 261, § 1](#); [70 Del. Laws, c. 186, § 1](#);

§ 3003 Responsibilities.

The Commission shall be responsible for carrying out public information and education programs, for preparing reports and recommendations, and for making surveys and studies necessary for the performance of its duties under this chapter. The Commission may delegate 1 or more of its responsibilities under this section to the Division; provided, however, that such delegation shall specifically state the responsibility the Division must undertake.

31 Del. C. 1953, § 3003; [57 Del. Laws, c. 679, § 1](#); [75 Del. Laws, c. 356, § 5](#);

§ 3004 Powers and duties.

The Commission shall cooperate with the Governor, the General Assembly, public agencies, officials, firms, corporations, civic groups and individuals in promoting amicable relationships among the various racial and cultural groups within the State. To this end the Commission may:

- (1) Act as conciliator in matters involving race, age, marital status, color, sex, disability, creed, national origin or ancestry; provided, however, that the provisions of the Freedom

of Information Act in Chapter 100 of Title 29 shall not apply to meetings that involve conciliation or mediation;

(2) Make such investigations, surveys and studies as are pertinent to the performance of its duties;

(3) Make recommendations to the Governor and General Assembly concerning needed legislation.

31 Del. C. 1953, § 3004; [53 Del. Laws, c. 261, § 1](#); [62 Del. Laws, c. 122, § 1](#); [62 Del. Laws, c. 330, § 1](#); [75 Del. Laws, c. 356, § 6](#);

§ 3005 Special Administration Fund.

(a) *Creation.* — There is created in the State Treasury a special fund to be known as the Special Administration Fund of the Human Relations Commission. This Fund shall consist of:

- (1) All civil penalties assessed and collected pursuant to Chapter 45 or 46 of Title 6.
- (2) Costs, attorneys' fees and expenses awarded to the Commission pursuant to Chapter 45 or 46 of Title 6.
- (3) All Community Development Block Grant moneys designated for the administration and enforcement of Chapter 46 of Title 6.
- (4) All other moneys specifically designated for this Fund.
- (5) All interest on or profits earned by the Special Administration Fund.

(b) *Administration.* —

(1) All moneys collected pursuant to this section shall be deposited or paid into this Fund and shall be continuously available to the Commission for expenditure in accordance with this section and shall not lapse at any time or be transferred to any other fund. All moneys in this Fund shall be prudently invested to the credit of this Fund, administered and disbursed in the same manner as is provided by law for other special funds in the State Treasury and such moneys shall be maintained in a separate ledger account on the books of the Secretary of Finance.

(2) All moneys in the Fund which are received from the federal government or any agency thereof or which are appropriated by this State for purposes described in this chapter or Chapters 45 or 46 of Title 6, shall be expended solely for the proper and efficient administration of this chapter.

(3) The State Treasurer shall be the custodian of and shall be liable on the State Treasurer's official bond for the faithful performance of duties in connection with the Fund. Such liability on the official bond shall exist in addition to the liability on any separate bond which may be given by the State Treasurer. All sums recovered on any such official bond for losses sustained by the Fund shall be deposited in the Fund.

(c) *Use.* — The moneys in the Special Administration Fund may be used by the Commission for:

(1) The payment of litigation expenses, costs and attorneys' fees in connection with the enforcement provisions of Chapters 45 and 46 of Title 6.

(2) The payment of the expenses of investigations conducted pursuant to Chapters 45 and 46 of Title 6, and this chapter.

(3) The payment of studies and surveys conducted pursuant to this chapter.

(d) *Transfer.* — The Commission, whenever it determines that the money in the Special Administration Fund is more than adequate to pay for all foreseeable needs for which this Fund is created, may authorize the transfer therefrom to the General Fund of such amount as it deems proper.

[68 Del. Laws, c. 311, § 2](#); [70 Del. Laws, c. 186, § 1](#); [70 Del. Laws, c. 350, §§ 2, 3](#);

§ 3006 Subpoenas; compelling testimony.

(a) The Commission may issue subpoenas and order discovery in aid of the investigations, surveys and studies authorized under § 3004 of this title when the Attorney General has reason to believe that such subpoenas and discovery will enable the Commission to perform the duties imposed by this chapter.

(b) Any subpoena, process, order of the Commission, or other paper requiring service may be served by any sheriff, deputy sheriff, or constable, or by any employee of the Division of Human Relations.

(c) If a witness refuses to obey a subpoena lawfully issued by the Commission, or to give evidence properly requested by the Commission, the Commission may petition the Superior Court to compel the witness to obey the subpoena or give the evidence. The Court shall immediately issue process to the witness and shall hold a hearing on the petition as soon as possible. If the witness refuses, without reasonable cause or legal grounds, to obey the subpoena or to give the evidence, the Court shall punish the witness for contempt.

[75 Del. Laws, c. 356, § 7.;](#)