



SPONSOR: Sen. Sokola & Rep. Longhurst  
Sens. Townsend, Lockman, Hocker, Pettyjohn, Buckson,  
Hansen, Huxtable, Lawson, Richardson, Wilson; Reps.  
Minor-Brown, Harris, Ramone, Yearick

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 16

AN ACT TO AMEND TITLE 14, TITLE 20, TITLE 29, AND TITLE 31 OF THE DELAWARE CODE RELATING TO MEMBERS OF THE GOVERNOR'S CABINET.

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

1 Section 1. Amend § 102, Title 14 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 102. Secretary; Deputy, Associate and Assistant Secretaries; Acting Secretary; appointment.

4 (a) The administrator and head of the Department ~~shall be~~ is the Secretary of ~~Education, who shall~~ the Department  
5 of Education ("Secretary"), who must be a graduate of an accredited college and ~~shall~~ must have not less than 5 years'  
6 experience in teaching and administration, with experience in each such category.

7 (1) ~~The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall~~  
8 ~~serve at the pleasure of the Governor.~~ The Secretary is appointed, confirmed, and holds office as provided in § 10 of  
9 Article III of the Delaware Constitution.

10 (2) The Secretary ~~shall~~ is to be paid ~~a-an annual~~ salary as determined by the General Assembly in the annual  
11 ~~Appropriations Act.~~ appropriations act.

12 (3) ~~The Secretary of Education shall become a bona fide resident of the State within 6 months after the~~  
13 ~~Secretary's appointment; provided, however, that upon good cause shown, the Governor may grant an additional~~  
14 ~~extension of 6 months.~~ must obtain and retain residency in this State as provided in § 10 of Article III of the Delaware  
15 Constitution.

16 Section 2. Amend § 122, Title 20 of the Delaware Code by making deletions as shown by strike through and  
17 insertions as shown by underline as follows:

18 § 122. Adjutant General; appointment; qualifications.

19 (a) ~~The Governor shall appoint an Adjutant General, with the advice and consent of the Senate, who shall hold~~  
20 ~~office at the pleasure of the Governor.~~ The Adjutant General is appointed, confirmed, and holds office as provided in § 10  
21 of Article III of the Delaware Constitution.

22 Section 3. Amend § 123, Title 20 of the Delaware Code by making deletions as shown by strike through and  
23 insertions as shown by underline as follows:

24 § 123. Adjutant General — Powers and duties.

25 The Adjutant General shall be responsible to the Commander in Chief for carrying out the policies of the  
26 Commander in Chief and shall issue orders in the Commander in Chief's name. To accomplish this end the Adjutant  
27 General shall have the following duties and the powers necessary to effectuate the same:

28 (8) Shall receive an annual salary ~~as appropriated by the General Assembly.~~ as determined by the General  
29 Assembly in the annual appropriations act.

30 Section 4. Amend § 6302A, Title 29 of the Delaware Code by making deletions as shown by strike through and  
31 insertions as shown by underline as follows:

32 § 6302A. Director; appointment; salary; bond; employees and assistants.

33 (a) ~~There shall be a Director of the Office of Management and Budget, hereinafter referred to in this chapter as~~  
34 ~~“Director,” to be appointed by and to serve at the pleasure of the Governor, with the advice and consent of the Senate. The~~  
35 administrator and head of the Office is the Director of the Office of Management and Budget (“Director”).

36 (1) The Director is appointed, confirmed, and holds office as provided in § 10 of Article III of the Delaware  
37 Constitution.

38 (2) ~~The Director shall is to be paid a salary established by the Governor within the limitation of the funds~~  
39 ~~appropriated therefore.~~ an annual salary as determined by the General Assembly in the annual appropriations act.

40 (3) ~~The Director shall be paid a salary established by the Governor within the limitation of the funds~~  
41 ~~appropriated therefore.~~ must obtain and retain residency in this State as provided in § 10 of Article III of the Delaware  
42 Constitution.

43 Section 5. Amend § 7902, Title 29 of the Delaware Code by making deletions as shown by strike through and  
44 insertions as shown by underline as follows:

45 § 7902. Secretary; Deputy Secretary; division directors; Acting Secretary; appointment.

46 (a) The administrator and head of the Department ~~shall be~~ is the Secretary of the Department of Health and Social  
47 ~~Services, who shall~~ Services (“Secretary”), who must be a person qualified by training and experience to perform the duties  
48 of the office.

49 (1) ~~The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall~~  
50 ~~serve at the pleasure of the Governor.~~ The Secretary is appointed, confirmed, and holds office as provided in § 10 of  
51 Article III of the Delaware Constitution.

52           (2) ~~The Secretary shall is to be paid an annual salary not in excess of \$34,000. as determined by the General~~  
53           ~~Assembly in the annual appropriations act.~~

54           (3) ~~The Secretary of the Department of Health and Social Services shall become a bona fide resident of the~~  
55           ~~State within 6 months after his or her appointment; provided, however, that upon good cause shown, the Governor may~~  
56           ~~grant an additional extension of 6 months. After becoming a resident of the State, the Secretary shall continuously be a~~  
57           ~~resident of the State as long as he or she retains the office. Failure to obtain or retain such residency shall be an~~  
58           ~~automatic resignation from said office. must obtain and retain residency in this State as provided in § 10 of Article III~~  
59           ~~of the Delaware Constitution.~~

60           Section 6. Amend § 8002, Title 29 of the Delaware Code by making deletions as shown by strike through and  
61           insertions as shown by underline as follows:

62           § 8002. Secretary; division directors; Acting Secretary; appointment.

63           (a) ~~The administrator and head of the Department shall be is~~ the Secretary of the Department of Natural Resources  
64           and Environmental Control, ~~who shall Control (“Secretary”), who must~~ be a person qualified by training and experience to  
65           perform the duties of the office.

66           (1) ~~The Secretary shall be appointed by the Governor, with the advice and consent of the Senate and shall~~  
67           ~~serve at the pleasure of the Governor. The Secretary is appointed, confirmed, and holds office as provided in § 10 of~~  
68           ~~Article III of the Delaware Constitution.~~

69           (2) ~~The Secretary shall is to be paid an annual salary not in excess of \$34,000. as determined by the General~~  
70           ~~Assembly in the annual appropriations act.~~

71           (3) ~~The Secretary of the Department of Natural Resources and Environmental Control shall become a bona~~  
72           ~~fide resident of the State within 6 months after his or her appointment; provided, however, that upon good cause~~  
73           ~~shown, the Governor may grant an additional extension of 6 months. After becoming a resident of the State, the~~  
74           ~~Secretary shall continuously be a resident of the State as long as he or she retains the office. Failure to obtain or retain~~  
75           ~~such residency shall be an automatic resignation from said office. must obtain and retain residency in this State as~~  
76           ~~provided in § 10 of Article III of the Delaware Constitution.~~

77           Section 7. Amend § 8102, Title 29 of the Delaware Code by making deletions as shown by strike through and  
78           insertions as shown by underline as follows:

79           § 8102. Secretary; Deputy Secretary; Acting Secretary; appointment.

80 (a) The administrator and head of the Department ~~shall be~~ is the Secretary of the Department of Agriculture, who  
81 ~~shall~~ Agriculture (“Secretary”), who must be a person qualified by training and experience to perform the duties of the  
82 office.

83 (1) ~~The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall~~  
84 ~~serve at the pleasure of the Governor.~~ The Secretary is appointed, confirmed, and holds office as provided in § 10 of  
85 Article III of the Delaware Constitution.

86 (2) The Secretary ~~shall~~ is to be paid an annual salary ~~not in excess of \$25,000.~~ as determined by the General  
87 Assembly in the annual appropriations act.

88 (3) ~~The Secretary of the Department of Agriculture shall become a bona fide resident of the State within 6~~  
89 ~~months after his or her appointment; provided, however, that upon good cause shown, the Governor may grant an~~  
90 ~~additional extension of 6 months. After becoming a resident of the State, the Secretary shall continuously be a resident~~  
91 ~~of the State as long as he or she retains the office. Failure to obtain or retain such residency shall be an automatic~~  
92 ~~resignation from said office.~~ must obtain and retain residency in this State as provided in § 10 of Article III of the  
93 Delaware Constitution.

94 Section 8. Amend § 8202, Title 29 of the Delaware Code by making deletions as shown by strike through and  
95 insertions as shown by underline as follows:

96 § 8202. Secretary; division directors; Acting Secretary; appointment.

97 (a) The administrator and head of the Department ~~shall be~~ is the Secretary of the Department of Safety and  
98 Homeland Security, who ~~shall~~ Security (“Secretary”), who must be a person qualified by training and experience to perform  
99 the duties of the office and preference shall be given to a resident of this State provided that such person is acceptable and  
100 equally qualified. office.

101 (1) ~~The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall~~  
102 ~~serve at the pleasure of the Governor and~~ The Secretary is appointed, confirmed, and holds office as provided in § 10  
103 of Article III of the Delaware Constitution.

104 (2) ~~shall receive a~~ The Secretary is to receive an annual salary to be determined by the Governor and specified  
105 in the Annual Operating Budget. as determined by the General Assembly in the annual appropriations act.

106 (3) ~~The Secretary of the Department of Safety and Homeland Security shall become a bona fide resident of the~~  
107 ~~State within 6 months after his or her appointment; provided, however, that upon good cause shown, the Governor may~~  
108 ~~grant an additional extension of 6 months. After becoming a resident of the State, the Secretary shall continuously be a~~  
109 ~~resident of the State as long as the Secretary retains the office. Failure to obtain or retain such residency shall be an~~

110 automatic resignation from said office. The Secretary of the Department of Safety and Homeland Security shall have  
111 the power to appoint directors of divisions within the Department upon the written approval of the Governor. The  
112 division directors shall have the powers, duties and functions in the administration of their respective divisions as  
113 authorized by the Secretary. must obtain and retain residency in this State as provided in § 10 of Article III of the  
114 Delaware Constitution.

115 (4) The Secretary of the Department of Safety and Homeland Security shall have the power to may appoint  
116 directors of divisions within the Department ~~upon~~ on the written approval of the Governor. The division directors shall  
117 have the powers, ~~duties~~ duties, and functions in the administration of their respective divisions as authorized by the  
118 Secretary.

119 Section 9. Amend § 8302, Title 29 of the Delaware Code by making deletions as shown by strike through and  
120 insertions as shown by underline as follows:

121 § 8302. Secretary; division directors; Acting Secretary; appointment.

122 (a) The administrator and head of the Department shall be is the Secretary of the Department of Finance, who shall  
123 Finance (“Secretary”), who must be a person qualified by training and experience to perform the duties of the office, and  
124 preference shall be given to a resident of this State provided that such person is acceptable and equally qualified. office.

125 (1) ~~The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall~~  
126 ~~serve at the pleasure of the Governor.~~ The Secretary is appointed, confirmed, and holds office as provided in § 10 of  
127 Article III of the Delaware Constitution.

128 (2) The Secretary shall is to be paid an annual salary ~~not in excess of \$34,000.~~ as determined by the General  
129 Assembly in the annual appropriations act.

130 (3) ~~The Secretary of the Department of Finance shall become a bona fide resident of the State within 6 months~~  
131 ~~after his or her appointment; provided, however, that upon good cause shown, the Governor may grant an additional~~  
132 ~~extension of 6 months. After becoming a resident of the State, the Secretary shall continuously be a resident of the~~  
133 ~~State as long as he or she retains the office. Failure to obtain or retain such residency shall serve to terminate said~~  
134 ~~office.~~ must obtain and retain residency in this State as provided in § 10 of Article III of the Delaware Constitution.

135 Section 10. Amend § 8403, Title 29 of the Delaware Code by making deletions as shown by strike through and  
136 insertions as shown by underline as follows:

137 § 8403. Secretary; Deputy Secretary; division directors; Acting Secretary; appointment.

138 (a)(1) The administrator and head of the Department shall be is the Secretary of the Department of Transportation,  
139 ~~who shall~~ Transportation (“Secretary”), who must be a person qualified by training and experience to perform the duties of

140 the office and preference shall be given to a resident of this State provided that such person is acceptable and equally  
141 ~~qualified.~~ office.

142 a. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall  
143 serve at the pleasure of the Governor. The Secretary is appointed, confirmed, and holds office as provided in § 10  
144 of Article III of the Delaware Constitution.

145 b. The Secretary shall ~~is~~ be paid an annual salary not in excess of \$34,000. as determined by the  
146 General Assembly in the annual appropriations act.

147 c. The Secretary of the Department of Finance shall become a bona fide resident of the State within 6  
148 months after his or her appointment; provided, however, that upon good cause shown, the Governor may grant an  
149 additional extension of 6 months. After becoming a resident of the State, the Secretary shall continuously be a  
150 resident of the State as long as he or she retains the office. Failure to obtain or retain such residency shall serve to  
151 terminate said office. must obtain and retain residency in this State as provided in § 10 of Article III of the  
152 Delaware Constitution.

153 Section 11. Amend § 8502, Title 29 of the Delaware Code by making deletions as shown by strike through and  
154 insertions as shown by underline as follows:

155 § 8502. Secretary; division directors; Acting Secretary; appointment.

156 (a) The administrator and head of the Department ~~shall be~~ is the Secretary of the Department of Labor, ~~who shall~~  
157 Labor (“Secretary”), who must be a person qualified by training and experience to perform the duties of the office, and  
158 preference shall be given to a resident of this State provided that such person is acceptable and equally qualified. ~~office.~~

159 (1) The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall  
160 serve at the pleasure of the Governor. The Secretary is appointed, confirmed, and holds office as provided in § 10 of  
161 Article III of the Delaware Constitution.

162 (2) The Secretary shall ~~is~~ be paid an annual salary not in excess of \$28,000. as determined by the General  
163 Assembly in the annual appropriations act.

164 (3) The Secretary of the Department of Labor shall become a bona fide resident of the State within 6 months  
165 after his or her appointment; provided, however, that upon good cause shown, the Governor may grant an additional  
166 extension of 6 months. After becoming a resident of the State, the Secretary shall continuously be a resident of the  
167 State as long as he or she retains the office. Failure to obtain or retain such residency shall serve to terminate said  
168 office. must obtain and retain residency in this State as provided in § 10 of Article III of the Delaware Constitution.

169 Section 12. Amend § 8603, Title 29 of the Delaware Code by making deletions as shown by strike through and  
170 insertions as shown by underline as follows:

171 § 8603. Housing Director.

172 (a) The administrator and head of DSHA ~~shall be~~ is the Housing Director. Director, who must be a person  
173 qualified by training and experience to perform the duties of the office.

174 (1) ~~The Housing Director shall be appointed by the Governor, with the advice and consent of the Senate, and~~  
175 ~~shall serve at the Governor's pleasure.~~ The Housing Director is appointed, confirmed, and holds office as provided in §  
176 10 of Article III of the Delaware Constitution.

177 ~~The Housing Director shall be a person qualified by training and experience to perform the duties of the~~  
178 ~~office, and preference shall be given to a resident of this State, provided that resident is acceptable and equally~~  
179 ~~qualified. If the Housing Director is not a resident of Delaware at the time of appointment to the position, the Director~~  
180 ~~must become a resident within 6 months of appointment.~~

181 (2) The Housing Director ~~shall~~ is to be paid an annual salary ~~established by the Governor within the limitation~~  
182 ~~of the funds appropriated therefor.~~ as determined by the General Assembly in the annual appropriations act.

183 (3) The Housing Director must obtain and retain residency in this State as provided in § 10 of Article III of the  
184 Delaware Constitution.

185 Section 13. Amend § 8702, Title 29 of the Delaware Code by making deletions as shown by strike through and  
186 insertions as shown by underline as follows:

187 § 8702. Secretary; division directors; Acting Secretary; appointment.

188 (a) The administrator and head of the Department ~~shall be~~ is the Secretary of State ~~and preference shall be given to~~  
189 ~~a resident of this State provided that such person is acceptable and equally qualified.~~ State (“Secretary”).

190 (1) ~~The Secretary of State shall be appointed by the Governor~~ is appointed, confirmed, and holds office as  
191 provided in the Constitution and § 10 of Article III of the Delaware Constitution.

192 (2) ~~shall~~ The Secretary is to be paid an annual salary ~~not in excess of \$25,000.~~ as determined by the General  
193 Assembly in the annual appropriations act.

194 (3) The Secretary must obtain and retain residency in this State as provided in § 10 of Article III of the  
195 Delaware Constitution.

196 Section 14. Amend § 8902, Title 29 of the Delaware Code by making deletions as shown by strike through and  
197 insertions as shown by underline as follows:

198 § 8902. Appointment, qualifications, etc., of Commissioner; Deputy Commissioner; bureau chiefs; Acting  
199 Commissioner.

200 (a) The administrator and head of the Department ~~shall be~~ is the Commissioner of the Department of ~~Correction,~~  
201 ~~who shall~~ Correction (“Commissioner”), who must be a person qualified by training and experience to perform the duties of  
202 the office.

203 (1) ~~The Commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and~~  
204 ~~shall serve at the pleasure of the Governor. The Commissioner is appointed, confirmed, and holds office as provided in~~  
205 § 10 of Article III of the Delaware Constitution.

206 (2) The Commissioner ~~shall~~ is to be paid an annual salary ~~as approved by the General Assembly, as~~  
207 determined by the General Assembly in the annual appropriations act.

208 (3) ~~The Commissioner of the Department of Correction shall become a bona fide resident of the State within 6~~  
209 ~~months after his or her appointment; provided, however, that upon good cause shown, the Governor may grant an~~  
210 ~~additional extension of 6 months. After becoming a resident of the State, the Commissioner of the Department of~~  
211 ~~Correction shall continuously be a resident of the State as long as he or she retains the office. Failure to obtain or retain~~  
212 ~~such residency shall serve to terminate said office.~~ must obtain and retain residency in this State as provided in § 10 of  
213 Article III of the Delaware Constitution.

214 Section 15. Amend § 9004, Title 29 of the Delaware Code by making deletions as shown by strike through and  
215 insertions as shown by underline as follows:

216 § 9004. Secretary; Division Directors; Acting Secretary; Deputy Secretary.

217 (a) The administrator and head of the Department ~~shall be~~ is the Secretary of the Department of Services for  
218 Children, Youth and Their Families, ~~who shall~~ Families (“Secretary”), who must be a person qualified by training and  
219 experience to perform the duties of this office.

220 (1) ~~The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall~~  
221 ~~serve at the pleasure of the Governor and~~ The Secretary is appointed, confirmed, and holds office as provided in § 10  
222 of Article III of the Delaware Constitution.

223 (2) ~~The Secretary is to receive a~~ an annual salary ~~to be determined by the Governor, as determined by the~~  
224 General Assembly in the annual appropriations act.

225 (3) ~~The Secretary of the Department of Services for Children, Youth and Their Families shall become a bona~~  
226 ~~fide resident of the State within 6 months after his or her appointment; provided, however, that upon good cause~~  
227 ~~shown, the Governor may grant an additional extension of 6 months. After becoming a resident of the State, the~~



228 Secretary shall continuously be a resident of the State as long as he or she retains the office. Failure to obtain or retain  
229 such residency shall serve to terminate said office. must obtain and retain residency in this State as provided in § 10 of  
230 Article III of the Delaware Constitution.

231 Section 16. Amend § 9007C, Title 29 of the Delaware Code by making deletions as shown by strike through and  
232 insertions as shown by underline as follows:

233 § 9007C. Chief Information Officer.

234 (a) The ~~Administrator~~ administrator and head of the Department ~~shall be the~~ is this State's CIO.

235 (1) ~~The CIO shall be appointed by the Governor, with the advice and consent of the Senate, shall serve at the~~  
236 ~~pleasure of the Governor, and~~ The CIO is appointed, confirmed, and holds office as provided in § 10 of Article III of  
237 the Delaware Constitution.

238 (2) ~~The CIO is to receive a~~ an annual salary ~~to be determined by the Governor and specified in the annual~~  
239 ~~Operating Budget.~~ as determined by the General Assembly in the annual appropriations act.

240 (3) The CIO must obtain and retain residency in this State as provided in § 10 of Article III of the Delaware  
241 Constitution.

242 Section 17. Amend § 9002D, Title 29 of the Delaware Code by making deletions as shown by strike through and  
243 insertions as shown by underline as follows:

244 § 9002D. Secretary; appointment; salary; employees and assistants.

245 (a) ~~There shall be a Secretary of the Department of Human Resources, hereinafter referred to in this chapter as~~  
246 ~~“Secretary,”~~ The administrator and head of the Department is the Secretary of the Department of Human Resources  
247 (“Secretary”).

248 (1) ~~to be appointed by and to serve at the pleasure of the Governor, with the advice and consent of the Senate.~~  
249 The Secretary is appointed, confirmed, and holds office as provided in § 10 of Article III of the Delaware Constitution.

250 (2) ~~The Secretary shall~~ is to be paid a ~~an annual salary established by the Governor within the limitation of the~~  
251 ~~funds appropriated therefor.~~ as determined by the General Assembly in the annual appropriations act.

252 (3) The Secretary must obtain and retain residency in this State as provided in § 10 of Article III of the  
253 Delaware Constitution.

254 Section 18. Amend § 2301, Title 29 of the Delaware Code by making deletions as shown by strike through and  
255 insertions as shown by underline as follows:

256 § 2301. Salary.

257           The Secretary of State ~~shall receive as full compensation for all services a salary of \$15,000 per annum. is to be~~  
258 paid an annual salary as determined by the General Assembly in the annual appropriations act.

259           Section 19. Amend § 4001, Title 31 of the Delaware Code by making deletions as shown by strike through and  
260 insertions as shown by underline as follows:

261           § 4001. Definitions.

262           As used in this chapter, unless a different meaning appears from the context:

263           (17) “Housing Director” means the Housing Director ~~appointed pursuant to~~ described in § 8603 of Title 29.

264           Section 20. This Act takes effect on the date of final passage of an act of the 153rd General Assembly concurring  
265 in the amendments to the Delaware Constitution proposed by Senate Bill No. 15 of the 152nd General Assembly. The  
266 Director of the Division of Research shall provide written notice to the Registrar of Regulations that the contingency in this  
267 Section has been fulfilled. The Registrar shall publish the notice in the Register of Regulations.

#### SYNOPSIS

The governance of this State relies on the qualifications and performance of the members of the Governor’s cabinet. The General Assembly finds that the confirmation process is an important step to ensure the qualifications and performance of the Governor’s cabinet.

This Act implements the process of aligning the end of the term of each of the members of the Governor’s cabinet with the end of the Governor’s term by designating the principal officer of each executive department who is subject to the amendments to § 10 of Article III of the Delaware Constitution proposed by Senate Bill No. 15. The General Assembly’s intent in making this change is to require each member of the Governor’s cabinet to be reconfirmed by the Senate at the beginning of each term of a Governor.

This Act also makes the following consistent:

(1) The method of determining the annual salary of members of the Governor’s cabinet, by providing that the General Assembly is to set the salary in the annual appropriations act, thereby conforming the Delaware Code to current practice.

(2) The preference for members of the Governor’s cabinet being residents of this State on appointment, by removing from the Delaware Code the preference for residency for the Secretary of the Department of Safety and Homeland Security, the Secretary of the Department of Finance, the Secretary of the Department of Transportation, the Secretary of Labor, the Housing Director of the Delaware State Housing Authority, and the Secretary of the Department of State.

Residency requirements for members of the Governor’s cabinet are being removed from the Delaware Code by this Act and replaced with a notation that residency requirements are as provided in the Delaware Constitution. Residency requirements for members of the Governor’s cabinet will now be consistent, requiring the members to be residents of this State within at most 1 year after appointment and to remain residents of this State or be deemed resigned from office.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Because the next General Assembly must concur in the proposed amendment to the Delaware Constitution, this Act does not take effect until the passage of the second leg of the constitutional amendment in the 153rd General Assembly.

Author: Senator Sokola