



SPONSOR: Sen. Hoffner & Rep. Dorsey Walker
Sens. Gay, Huxtable, Pettyjohn, Richardson; Reps.
Collins, K. Johnson, Parker Selby, Spiegelman

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 47

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON LIBRARIES.

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

Section 1. Amend § 8732, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 8732. Council on Libraries.

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

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

~~(c) The Council on Libraries shall be composed of 2 members who shall be elected annually by each County Library Advisory Board and who shall serve at its pleasure and 7 members appointed by the Governor. Of the 7 members appointed by the Governor, 3 members shall be appointed for a term of 1 year, 2 members shall be appointed for a term of 2 years and 2 members shall be appointed for a term of 3 years; at no time shall there be more than a bare majority representation of 1 major political party, but any person who declines to state a political affiliation shall be considered eligible for appointment as a member; and after the initial appointments, all terms shall be for 3 years. No member shall be appointed for more than 2 consecutive terms. The Chairperson of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of 1 year and shall be eligible for reelection.~~

(b) The Council consists of 11 members. Membership is composed as follows:

(1) The 3 County Librarians of this State.

21 (2) Each of the 3 county library advisory boards under § 802 of Title 9 shall appoint 1 member from among
22 their respective county library advisory board. Each of these members serves at the pleasure of the member's
23 appointing authority.

24 (3)a. The president of the Delaware Association of School Librarians. The president may appoint a designee
25 to serve in the president's stead and at the president's pleasure.

26 b. If the Department of Education re-establishes the Delaware Education Associate for Libraries, Media,
27 and Technology or a similar position, the associate shall replace the president of the Delaware Association of
28 School Librarians as a member of the Council. The associate may appoint a designee to serve in the associate's
29 stead and at the associate's pleasure.

30 (4) The director of Adult and Prison Education Resources of the Department of Education. The Director may
31 appoint a designee to serve in the director's stead and at the director's pleasure.

32 (5)a. The Governor shall appoint 3 public members.

33 b. If possible, the 3 public members must represent each county.

34 c. Each member under this paragraph (b)(5) of this section is appointed for a term of 3 years. Each term
35 of office expires on the date specified in the appointment; however, a member remains eligible to participate in the
36 Council's proceedings until the Governor replaces that member. The Governor may appoint a member for less
37 than 3 years to ensure that members' terms expire on a staggered basis.

38 ~~(d) Members of the Council on Libraries shall serve without compensation, except that they may be reimbursed for~~
39 ~~reasonable and necessary expenses incident to their duties. (c) A member does not receive compensation but may be~~
40 ~~reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.~~

41 ~~(e) (d) A vacancy prior to the expiration of the term of a member of the Council on Libraries shall~~ may ~~be filled~~
42 ~~only for the remainder of that term.~~

43 (e) The Council shall annually elect a chair from among its members. A chair is eligible for reelection.

44 (f) The number of members who must be present at a Council meeting in order to have quorum and conduct
45 official business is a majority of members. Counting for quorum does not include member positions that are vacant.

46 (g) A member's appointing authority may remove the member for gross inefficiency, misfeasance, malfeasance, or
47 neglect of duty in office. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular
48 Council meetings or attends less than 50% of Council meetings in a calendar year. The member's appointing authority may
49 consider the member to have resigned and may accept the member's resignation.

50 (h) The Division of Libraries shall provide reasonable staff support to assist the Council in performing its duties
51 under this section.

SYNOPSIS

This Act is the result of the Joint Legislative Oversight and Sunset Committee's review of the Council on Libraries ("Council"). This Act updates the Council's membership composition, defines quorum, and adds other standard provisions, including member compensation and removal.

One of the members that this Act adds to the Council is the president of the Delaware Association of School Libraries. At one time, the Department of Education had an Education Associate for Libraries, Media, and Technology, but that position no longer exists. This Act provides that, should the Department of Education ever re-establish that position or a position similar to it, the re-established position shall take the place of the president of the Delaware Association of School Librarians as a member on the Council.

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

Author: Senator Hoffner