



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. 49

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S COMMISSION
ON COMMUNITY AND VOLUNTEER SERVICES.

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

1 Section 1. Amend § 7914A, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 7914A. The Governor's Commission on Community and Volunteer Services.

4 (a) Establishment and purpose. The Governor's Commission on Community and Volunteer Services
5 ("Commission") is established and ~~shall serve~~ serves in an advisory capacity to the Administrator of the State Office of
6 ~~Volunteerism and~~ Volunteerism ("Administrator"). The purpose of the Commission is to enrich lives and communities in
7 Delaware by advocating service and volunteerism.

8 (b) Duties.

9 (1) The Commission shall consider matters relating to volunteer services in this State and ~~such other matters~~
10 ~~as may be referred to it by any other matter that~~ the Governor, the Secretary of the Department of Health and Social
11 Services ("Secretary"), the Director of the Division of State Service ~~Centers~~ Centers ("Director"), or the Administrator
12 of the State Office of Volunteerism ("Administrator") may refer to it. ~~The Governor's Commission on Community and~~
13 ~~Volunteer Services merges the functions and representation of the Governor's Council on Volunteer Services with the~~
14 ~~Delaware Community Service Commission.~~

15 (2) The Commission shall perform the duties required of state commissions on national and community
16 service under the National and Community Service Act of 1990, as amended [42 U.S.C. § 12638(e)].

17 (3) The Commission may study, research, plan plan, and advise the Administrator, the Director, the Secretary
18 ~~and the Governor~~ Governor, Secretary, Director, and Administrator on matters ~~if~~ the Commission deems appropriate to
19 enable the State Office of Volunteerism to function in the best possible manner.

20 (b) (c) Commission members.

21 (1) ~~The Commission on Community and Volunteer Services shall be~~ is composed of 15-25 voting members,
22 ~~to include~~ as follows:

23 ~~(1) One representative from each of the committees which serve in an advisory capacity to the volunteer~~
24 ~~programs that are directly administered by the State Office of Volunteerism; and~~

25 (2) ~~a. Up to 22 representatives reflecting~~ Required members. Not less than 10 nor more than 22
26 individuals representing the broad diversity of the this State, including members from the public sector, the private
27 nonprofit sector sector, and the business community. The Governor appoints each member under this paragraph
28 (c)(1)a. of this section, except for the Secretary of the Department of Education, who is a member by virtue of
29 position. At least 10 of the members under this paragraph (c)(1)a. must meet the requirements of 42 U.S.C.
30 § 12638(c)(1) and (2) of the National and Community Service Act of 1990, as amended, as follows:

31 1. An individual with expertise in the educational, training, and development needs of youth,
32 particularly disadvantaged youth.

33 2. An individual with experience in promoting the involvement of older adults in service and
34 volunteerism.

35 3. A representative of community-based agencies or community-based organizations within this
36 State.

37 4. The Secretary of the Department of Education, who serves by virtue of position.

38 5. A representative of local governments in this State.

39 6. A representative of local labor organizations in this State.

40 7. A representative of business.

41 8. An individual between the ages of 16 and 25 years who is a participant or supervisor in a program.

42 9. A representative of a national service program described in 42 U.S.C. § 12572(a), (b), or (c).

43 10. A representative of the volunteer sector.

44 b. Sources of other voting members. The Governor shall appoint 1 representative each from up to 3
45 committees that serves in an advisory capacity to a volunteer program that the State Office of Volunteerism
46 directly administers. When possible, appointments under this paragraph (c)(1)b. should be made from any of the
47 following sources:

48 1. Local educators.

49 2. Experts in the delivery of human, educational, environmental, or public safety services to
50 communities or individuals.

51 3. Native American tribes.

52 4. Out-of-school youth or other at-risk youth.

53 5. Entities that receive assistance under the Domestic Volunteer Service Act [42 U.S.C. § 4950 et
54 seq.].

55 c. The Commission's Executive Director is a nonvoting member and serves by virtue of position.

56 ~~(e) (c) Members of the Commission shall be appointed by the Governor in accordance with 42 U.S.C. § 12501.~~
57 ~~The initial terms of the members shall be staggered. Seven members shall be appointed for an initial term of 3 years, 7~~
58 ~~members shall be appointed for an initial term of 2 years, and 3 members shall be appointed for an initial term of 1 year.~~
59 ~~Thereafter, all terms shall be for 3 years. Members shall be eligible for reappointment to no more than 2 additional~~
60 ~~consecutive terms. Governor appointments. A member that the Governor appoints serves for a period of 3 years. Each term~~
61 ~~of office expires on the date specified in the appointment; however, a member remains eligible to participate in~~
62 ~~Commission proceedings until the Governor replaces that member. The Governor may appoint a member for a term of less~~
63 ~~than 3 years to ensure that the members' terms expire on a staggered basis. The Governor shall fill a vacancy on the~~
64 ~~Commission for the balance of the unexpired term. A member is eligible for reappointment to no more than 2 additional~~
65 ~~consecutive terms.~~

66 ~~(d) (f) Members of the Commission shall serve without compensation, except that they may be reimbursed for~~
67 ~~reasonable and necessary expenses incident to their duties as members of the Commission, to the extent that funds are~~
68 ~~available therefor and in accordance with state law. A Commission member receives no compensation but may be~~
69 ~~reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.~~

70 ~~(e) (g) A chairperson of the Commission shall be chosen by the members of the Commission from among its~~
71 ~~members and shall serve in that capacity for a term of 1 year and shall be eligible for reelection to not more than 2~~
72 ~~additional consecutive terms. The Commission shall elect a chair from among its members. A member may serve as chair~~
73 ~~for a term of 1 year and is eligible for reelection as chair not more than 2 additional consecutive terms.~~

74 ~~(f) (h) Any vacancy among the members of the Commission shall be filled by the Governor for the balance of the~~
75 ~~unexpired term. Unexcused absence by a Commission member from either 3 consecutive meetings or any 4 out of 12~~
76 ~~consecutive meetings shall constitute an executed resignation from the Commission by a member. The Governor may~~
77 ~~remove a Commission member that the Governor appoints for gross inefficiency, misfeasance, nonfeasance, malfeasance,~~
78 ~~or neglect of duty in office. A member is deemed in neglect of duty if the member has an unexcused absence from either 3~~
79 ~~consecutive meetings or 4 out of 12 consecutive meetings. The Governor may consider the member to have resigned and~~
80 ~~may accept the member's resignation.~~

81 (i) Quorum. The number of members who must be present at a Commission meeting in order to have a quorum
82 and conduct official business is the majority of members. A vacancy on the Commission is not counted for quorum.

83 (j) Staffing. The State Office of Volunteerism of the Division of State Service Centers shall provide reasonable
84 staff support to assist the Commission in performing its duties under this section.

85 (k) Executive Director. The Administrator serves as the Commission's Executive Director. The Executive Director
86 is responsible for the active direction and management of the Commission's business and affairs.

87 (1) The Executive Director's duties include all of the following:

88 a. Preparing each federal or state application, funding report, or reporting document.

89 b. Supervising Commission staff.

90 c. Providing staff support to each Commission committee.

91 d. Serving as liaison to each Commission-funded program.

92 e. Monitoring grantee compliance and progress.

93 f. Other duties as the Commission may assign to the Executive Director.

94 (2) The Executive Director may represent the Commission and manage the Commission's day-to-day
95 business.

96 (3) The Executive Director may delegate the Executive Director's duties to other Commission staff.

97 (4) Commission members shall participate in the selection process for hiring the Executive Director.

SYNOPSIS

This Act is a result of the Joint Legislative Oversight and Sunset Committee's review of the Governor's Commission on Community and Volunteer Services ("Commission"). This Act does the following:

- Removes outdated language.
- Incorporates federal requirements regarding Commission membership and duties.
- Clarifies quorum.
- Clarifies that the Delaware State Office of Volunteerism provides reasonable staff support to assist the Commission.
- Codifies the duties of the Commission's Executive Director. In Delaware, the Administrator of the State Office of Volunteerism also serves as the Commission's Executive Director. The Executive Director is a nonvoting, ex-officio Commission member and administers staffing services for the Commission.

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

Author: Senator Hoffner