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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 282

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEE BENEFITS COMMITTEE.

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

1 Section 1. Amend § 9602, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 9602. State Employee Benefits Committee.

4 (a)(1) ~~There is hereby established a~~ The State Employee Benefits Committee (“Committee”). ~~The Committee shall~~
5 ~~be (“Committee”)~~ is comprised of the following voting members:

6 a. ~~The Lieutenant Governor, the Governor.~~

7 b. ~~The Insurance Commissioner, the Commissioner.~~

8 c. ~~The Chief Justice of the Supreme Court, the Court.~~

9 d. ~~The State Treasurer, the Treasurer.~~

10 e. ~~The Director of the Office of Management and Budget, the Budget, who serves as chair.~~

11 f. ~~The Controller General, the Secretary of the Department of Human Resources, and the General.~~

12 g. ~~The Secretary of the Department of Health and Social Services, or their designees, and 1 Delaware~~
13 ~~retiree, appointed by the Governor. In addition, 2 Committee Services.~~

14 h. Two residents of this State who are eligible pensioners under § 5201 of this title, 1 member appointed
15 by the President Pro Tempore of the Senate and 1 member appointed by the Speaker of the House of
16 Representatives.

i. Two members, 1 member appointed by the President Pro Tempore of the Senate, Senate and 1 member appointed by the Speaker of the House of Representatives, shall be appointed from among the following organizational representatives: persons:

1. The President of the Delaware State Education Association or his or her designee, the designee.

2. The Executive Director of the American Federation of State State, County and Municipal Employees or his or her designee, the designee.

3. The President of the Correctional Officers Association of Delaware or his or her designee, and the designee.

4. The President of the Delaware State Troopers Association or his or her designee.

(2) The Secretary of the Department of Human Resources is a non-voting member of the Committee.

(3)a. Except as provided under paragraph (a)(3)b. of this section, the appointment term for a member of the Committee is for 2 years. Of

b. For the initial 2 organizational representatives appointed, 1 members appointed under paragraph (a)(1)i. of this section, 1 member must be appointed for a 1-year term, term and 1 member must be appointed for a 2-year term. Thereafter, all members shall serve 2-year terms. Appointed members may not attend Committee meetings through a designee, but may attend subcommittee meetings through a designee, with the exception of the Retiree Healthcare Benefits Advisory Subcommittee. The Director of the Office of Management and Budget and the Secretary of Human Resources shall co-chair the Committee.

(4) Beginning at the first meeting after [the effective date of this Act], the Committee shall annually elect a vice-chair. A member is eligible to serve as vice-chair of the Committee if all of the following apply:

a. The member is a voting member of the Committee.

b. The member does not serve as a cabinet secretary or as the equivalent rank within the executive branch.

(b) The State Employee Benefits Committee shall have has the following powers, duties duties, and functions:

(2) Selection of all carriers or third-party administrators necessary to provide coverages to State employees. employees and eligible pensioners.

(d) The Committee shall hold regular meetings at least once every 6 months, which meetings shall be months. Meetings of the Committee and subcommittees are open to the public and must be in accordance with §-10004 Chapter 100 of this title.

(1)a. A quorum of the Committee is a majority of its voting members. If the Committee is holding a virtual meeting, the chair or vice-chair must attend the meeting at the anchor location.

b. A quorum of a subcommittee is a majority of its voting members.

1. The chair of a subcommittee must be a voting member of the Committee.

2. If a subcommittee is holding a virtual meeting, the chair or vice-chair must attend the meeting at the anchor location.

(2)a. Appointed members may not attend Committee meetings through a designee.

b. Except for meetings of the Retiree Healthcare Benefits Advisory Subcommittee under § 9604(a) of this title, appointed members may attend subcommittee meetings through a designee.

c. A member of the Committee with the ability to designate another individual to attend a 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.

(3)a. Official action by the Committee requires the approval of a quorum of the Committee.

b. Official action by a subcommittee, including making findings and recommendations, requires the approval of a quorum of the subcommittee.

(4) For purposes of approving a request for proposals to select a carrier or third-party administrator for the health care insurance plan for State employees or eligible pensioners, all of the following apply:

a. The Committee must approve the request for proposals by a vote of the Committee during a public meeting under § 10004 of this title.

b. The draft request for proposals prepared for the meeting under this paragraph (d)(4) is a public record under § 10002 of this title and must be included with the notice and agenda under § 10004(e)(2) of this title.

Section 2. Amend § 9603, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9603. Duties of the Secretary of the Department of Human Resources.

(a) The duties of the Secretary of the Department of Human Resources under this chapter shall ~~include:~~ include all of the following:

(8)a. Communication to State employees of all State employee benefits ~~coverages and coverages~~, any additions or changes of benefits affecting State ~~employees~~, employees, and all information communicated under paragraph (a)(8)b. of this section.

b. Communication to eligible pensioners, as defined in § 5201 of this title, of all of the following:

- 76 1. All benefits coverages available to eligible pensioners.
- 77 2. Any additions or changes in benefits coverages affecting eligible pensioners.
- 78 3. Any proposed additions or changes in benefits coverages affecting eligible pensioners.
- 79 Section 3. This Act is known as the “Delaware State Employee Benefits Committee (SEBC) Transparency and
- 80 Accountability Act”.

SYNOPSIS

This Act adds procedural requirements to meetings of the State Employee Benefits Committee (SEBC), revises the membership of the SEBC, and requires that the Secretary of the Department of Human Resources inform State employees and retired State employees (eligible pensioners) about changes in benefits coverages affecting eligible pensioners who are receiving or eligible to receive retirement benefits under the state employees' pension plan, including proposed changes.

This Act adds the following requirements to SEBC meetings:

1. If the SEBC or a subcommittee is holding a virtual meeting, the chair or vice-chair must attend at the anchor location.
2. The chair of a subcommittee must be a voting member of the SEBC.
3. The SEBC must approve a request for proposals to select a carrier or third-party administrator for the health care insurance plan for State employees or eligible pensioners during an open meeting and that the draft request for proposals must be included with the meeting notice and agenda.
4. Adds standard language for the SEBC regarding the conduct of open meetings by public bodies, including requirements for quorum and when a member designates another individual to attend a meeting.

This Act revises the membership of the SEBC by doing all of the following:

1. Removes the Delaware retiree appointed by the Governor and adds 2 members who are Delaware residents eligible to receive health care insurance under Chapter 52 of Title 29 under a pension or retirement plan. The President Pro Tem of the Senate and the Speaker of the House of Representatives each appoint 1 of these members.
2. Makes the Secretary of the Department of Human Resources a non-voting member of the Committee.
3. Changes the leadership of the SEBC so that only the Director of the Office of Management and Budget serves as chair and the vice-chair is elected annually by the members of the Committee. The vice-chair must be a voting member of the Committee and may not be a cabinet secretary or hold a position of equivalent rank in the executive branch.

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

This Act is known as the “Delaware State Employee Benefits Committee (SEBC) Transparency and Accountability Act”.