



SPONSOR: Sen. Townsend & Rep. Baumbach
Reps. Bentz, Kowalko, Osienski

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 29

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC INTEGRITY.

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

1 Section 1. Amend § 5804, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions
2 as shown by underline as follows:

3 § 5804. Definitions.

4 For the purposes of this subchapter:

5 (12) a. "State employee" means any person:

- 6 1. Who receives compensation as an employee of a state agency;
7 2. Who serves as an appointed member, trustee, director or the like of any state agency and who
8 receives or reasonably expects to receive more than \$5,000 in compensation for such service in a calendar
9 year (not including any reimbursement for expenses); or
10 3. Who is an elected or appointed school board member.

11 b. "State employee" does not include:

- 12 ~~1. Members of the General Assembly;~~
13 2. The Chief Justice and Justices of the Supreme Court;
14 3. The Chancellor and Vice-Chancellors of the Court of Chancery;
15 4. The President Judge and Judges of Superior Court;
16 5. The Chief Judge and Judges of Family Court;
17 6. The Chief Judge and ~~Resident~~ Judges of the Court of Common Pleas;
18 7. The Chief Magistrate and Justices of the Peace;
19 8. State officers; or
20 9. Honorary state officials.

21 (13) "State officer" means any person who is required by subchapter II of this chapter to file a financial
22 disclosure statement but does not include:

- 23 a. ~~Members of the General Assembly;~~
24 b. The Chief Justice and Justices of the Supreme Court;
25 c. The Chancellor and Vice-Chancellors of the Court of Chancery;
26 d. The President Judge and Judges of Superior Court;
27 e. The Chief Judge and Judges of Family Court;
28 f. The Chief Judge and Judges of the Court of Common Pleas; or
29 g. The Chief Magistrate and Justices of the Peace.

30 Section 2. Amend § 1002, Title 29 of the Delaware Code by making deletions as shown by strike through and
31 insertions as shown by underline as follows and by redesignating accordingly:

32 § 1002. Restrictions relating to personal or private interest.

33 (d) A legislator may not use public funds, facilities, equipment, services, or other government assets or resources
34 for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private
35 benefit of either the legislator or another person. This subsection does not prohibit any of the following:

36 (1) Limited use of state property and resources for personal purposes if the use does not interfere with the
37 performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative
38 employee reimburses the State for the cost of the use.

39 (2) The use of mailing lists, computer data, or other information lawfully obtained from a government agency
40 and available to the general public for nonlegislative purposes.

41 (3) A legislator from using state resources to transport computers or other office equipment owned by the
42 legislator but primarily used for a state function.

43 (4) Use by a legislator of photographs of that legislator.

44 (5) Reasonable use of the Internet by a legislator or a legislative employee except if the use is for electoral
45 campaign purposes.

46 (6) A legislator or legislative employee from accepting or receiving a gift of de minimis value on behalf of a
47 recognized, nonpolitical charitable organization in a state facility.

SYNOPSIS

This Act makes several changes to the law governing the conduct of members of the General Assembly, as a first step to addressing the troubling ethics scores Delaware received in the 2015 State Integrity Investigation by the Center for Public Integrity and Global Integrity.

Section 1 removes from the Code the language that exempts members of the General Assembly from the obligations of the State Employees', Officers' and Officials' Conflict of Interest and Code of Conduct rules. It also eliminates a reference to Resident Judge of the Court of Common Pleas.

Section 2 adds to the Legislative Conflicts of Interest chapter a provision that expressly limits a legislator's use of public assets for private or partisan political purposes.

