



SPONSOR: Sen. Lockman & Rep. Bentz
Sens. Delcollo, Hansen, Lopez, Walsh; Reps. Bennett,
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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 112

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

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

1 Section 1. Amend § 8707A, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 8707A. Council on Development Finance.

4 (c)(1) The Council ~~shall be~~ is composed of 9 members who are Delaware ~~residents~~ residents and appointed as
5 follows:

6 a. The Governor shall appoint 7 members: 2 members from New Castle County, 1 member from Kent
7 County, 1 member from Sussex County and 3 at-large members.

8 b. The President Pro Tempore of the ~~state~~ Senate shall appoint 1 member of the ~~Senate and the~~ Senate.

9 c. The Speaker of the ~~state~~ House of Representatives shall appoint 1 member of the House of
10 Representatives.

11 (2) ~~Council members shall serve for 3-year terms and may be reappointed. Council members appointed after~~
12 ~~July 1, 2018, may be reappointed for only 1 additional 3-year term. Governor-appointed members serve for terms of up~~
13 ~~to 3 years, to ensure that no more than 3 members' terms expire in a year. All other members serve at the pleasure of~~
14 their appointing authorities.

15 (d) ~~At least 3, but no more than 4 members of the Council shall be affiliated with 1 of the major political parties~~
16 ~~and at least 2, but no more than 3 of the members shall be affiliated with the other major political party; provided however,~~
17 ~~that there shall be more than a bare majority representation of 1 major political party over the other major political party.~~
18 ~~Any person~~ The Governor-appointed members must be balanced so that no more than 4 members are from 1 political party.
19 An individual who declines to announce a political affiliation ~~shall also be~~ is eligible for appointment as a member of the
20 Council.

21 (e) In making appointments to the Council, the Governor shall appoint professionals possessing 1 or more of the
22 following designations: a member of the Bar of the Supreme Court of the State, an officer of a bank or trust company
23 located in the State, an expert in private ~~equity~~ equity, or a venture capital expert.

24 (f) ~~Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable~~
25 ~~and necessary expenses incident of their duties as members in accordance with state law. Members do not receive~~
26 ~~compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their official~~
27 ~~duties.~~

28 (g) ~~Chairperson of the Council shall be appointed by the Governor. Such Chairperson shall serve at the pleasure~~
29 ~~of the Governor. The Governor shall appoint the chair, who serves as chair at the pleasure of the Governor, from among the~~
30 ~~Governor-appointed members.~~

31 (h) ~~Any appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the~~
32 ~~expiration of the member's term shall be filled only for the remainder of that term. However, a person who is appointed to~~
33 ~~fill such a vacancy may be reappointed. Any person appointed to fill such a vacancy after July 1, 2018, may be reappointed~~
34 ~~for only 2, 3-year terms. [Repealed.]~~

35 (i) ~~The Council shall conduct its business only when a quorum is present. A quorum shall consist of 5 of the 9~~
36 ~~members being~~ The number of members who must be present at a Council meeting in order to have a quorum and conduct
37 official business is the majority of members. Counting for quorum does not include member positions that are vacant. A
38 member may be present in person, by telephone, person or by videoconference to be counted for quorum. The consent of a
39 majority of the quorum is required for approval on any vote.

40 (j)(1) The Governor may suspend or remove a member for misfeasance, malfeasance, or neglect of duty. A
41 member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Council meetings or attends less
42 than 50% of Council meetings in a calendar year. The Governor may consider the member to have resigned, and may
43 accept the member's resignation.

44 (2) Upon written request from the Council, the Governor may declare a vacancy for any member who is
45 absent from 4 consecutive Council meetings.

46 (k) ~~The Council Chair should~~ shall attempt to schedule meetings so that they are ~~centrally-located~~ centrally-located
47 and geographically-balanced geographically-balanced in number.

SYNOPSIS

The Joint Legislative Oversight and Sunset Committee approved a project to work with the Governor's Office throughout 2018 and 2019 to identify antiquated boards, commissions, and councils that need statutory updates or outright repeals. The Council on Development Finance was identified as needing to simplify the party balance requirement to make it easier to fill vacancies and update language regarding appointments and quorum.

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

Author: Senator Lockman