



SPONSOR: Sen. Lockman & Rep. Bentz  
Sens. Delcollo, Hansen, Lopez, Walsh; Reps. Bennett,  
Dorsey Walker, Spiegelman, Yearick

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 135

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S COUNCIL ON AGRICULTURE.

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

Section 1. Amend § 8108, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8108. Governor's Council on Agriculture.

(a)(1) There is established the Governor's Council on Agriculture.

(2) For the purposes of this section:

a. "Council" means the Governor's Council on Agriculture.

b. "Department" means the Department of Agriculture.

c. "Secretary" means the Secretary of the Department of Agriculture.

~~(b) The Governor's Council on Agriculture shall be composed of not more than 7 members who shall be appointed by the Governor for 3 year terms. The Governor shall designate 1 member as Chairperson to serve at the pleasure of the Governor. The Council is composed of 7 members who are appointed by the Governor for 3-year terms. The Governor shall appoint the chair, who serves as the chair at the pleasure of the Governor, from among the members.~~

~~(c)(1) The Governor's Council on Agriculture shall advise, recommend~~ recommend, and refer to the Secretary of the Department matters which, in its opinion, are of departmental concern and shall consider ~~such~~ other matters ~~as may be referred to it by the Governor or the Secretary of the Department~~ that the Secretary or the Governor refer to it.

(2) The Council may study, research, plan ~~plan~~, and advise the Secretary and the Governor on matters it deems appropriate to enable the Department to function in the best possible manner.

~~(d) At least 3, but no more than 4, members of the Council shall be affiliated with 1 of the major political parties and at least 2, but no more than 3, of the members shall be affiliated with the other major political party; provided, however, that there shall be no more than a bare majority representation of 1 major political party over the other major political party. Any person who declines to announce a political affiliation shall also be eligible for appointment as a~~

22 ~~member of the Council. The Governor shall consider geographical and other diversities when appointing a member to the~~  
23 ~~Council.~~

24 (e) ~~Members of the Council shall serve without compensation except that they may be reimbursed for reasonable~~  
25 ~~and necessary expenses incident to their duties as members of the Council. Members receive no compensation, but may be~~  
26 ~~reimbursed for their actual and necessary expenses incurred in the performance of their official duties.~~

27 (f) ~~After the Council has been reduced to 7, any appointment, pursuant to the provisions hereof, to replace a~~  
28 ~~member whose position becomes vacant prior to the expiration of the member's term shall be filled only for the remainder~~  
29 ~~of that term. The Governor may appoint a member for a term less than 3 years to ensure that no more than 3 members'~~  
30 ~~terms expire in a year.~~

31 (g) A majority of members must be present at a Council meeting in order to have a quorum and conduct official  
32 business is the majority of members. A vacant position is not counted for purposes of quorum.

#### 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 Governor's Council on Agriculture was identified as needing updates to require 7 members rather than "up to" 7 members, and to remove the party balance requirement to make it easier to fill vacancies. Consideration must given to geographical and other diversities when appointing members.

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

Author: Senator Lockman