



SPONSOR: Rep. Collins & Sen. Richardson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 330

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO EMERGENCY MANAGEMENT.

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

1 Section 1. Amend § 3115, Title 20 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3115. General authority of the Governor.

4 (a) The Governor shall be responsible for addressing the dangers to life, health, environment, property or public
5 peace within the State presented by emergencies or disasters, and to this end shall have general direction and control of
6 DEMA and shall be responsible for carrying out this chapter. In the event of an emergency or disaster beyond local control,
7 the Governor may assume direct operational control over all or any part of the emergency management functions within the
8 State.

9 (b) In performing the duties of the Governor under this chapter, the Governor may issue, amend and rescind all
10 necessary executive orders, emergency orders, proclamations and regulations, which shall have the force and effect of law.

11 (c) In addition to the powers conferred upon the Governor by this chapter, a state of emergency may be proclaimed
12 by emergency order of the Governor upon a finding that an emergency or disaster has occurred or that such occurrence or
13 threat of that occurrence is imminent. The state of emergency shall continue until the Governor finds that the threat or
14 danger has passed or the emergency or disaster has been dealt with to the extent that conditions necessitating a state of
15 emergency no longer exist and terminates the state of emergency by subsequent order. Except as provided in this
16 subsection, no ~~No~~ state of emergency can continue for more than 30 days without being adopted by an act of the General
17 Assembly. The General Assembly must state in the act when the state of emergency shall terminate ~~renewed by the~~
18 ~~Governor. If the Speaker of the House of Representatives and the President Pro Tempore of the Senate agree that it is not~~
19 reasonably possible for the General Assembly to conduct a meeting and the Governor determines that it is necessary for his
20 declared state of emergency to be renewed, then, and only then, may the Governor without approval by the General
21 Assembly renew the state of emergency for additional 30-day periods until such time as the General Assembly can conduct
22 a meeting to act to continue or terminate the state of emergency. All orders issued under this chapter shall indicate the
23 nature of the emergency or disaster, the geographical area or areas threatened, and the conditions which have brought the

24 emergency or disaster about or which make possible termination of the state of emergency. An order terminating a state of
25 emergency shall describe the reasons for termination, and shall be disseminated as promptly as is practicable by means
26 calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the
27 emergency or disaster prevent or impede, shall be promptly logged with DEMA. Emergency action ordered by the
28 Governor in accordance with the Governor's constitutional and statutory authority shall not be invalidated because of any
29 failure to comply with the technical requirements for the logging or filing of emergency orders.

SYNOPSIS

This bill limits the Governor's authority to continue a state of emergency by requiring the General Assembly to adopt and set the time period for continuing the state of emergency.

If the Speaker of the House of Representatives and President Pro Tempore of the Senate agree that it is not reasonably possible for the General Assembly to conduct a meeting and the Governor determines that it is necessary to continue the state of emergency, then and only then may the Governor continue the state of emergency without approval of the General Assembly.