



SPONSOR: Rep. Dorsey Walker & Sen. Gay
Reps. Griffith, K. Johnson, Spiegelman, Yearick; Sens.
Hansen, S. McBride, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 363

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON SERVICES FOR AGING AND ADULTS WITH PHYSICAL DISABILITIES.

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

1 Amend § 7915, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as
2 shown by underline as follows:

3 § 7915. Council on Services for Aging and Adults with Physical Disabilities.

4 (a) There is established the Council on Services for Aging and Adults with Physical Disabilities.

5 (b) The Council on Services for Aging and Adults with Physical Disabilities (the Council) ~~shall serve~~ serves in an
6 advisory capacity to the Director of the Division of Services for ~~the~~ Aging and Adults with Physical Disabilities and ~~shall~~
7 ~~consider~~ considers matters relating to the formation of local community councils for ~~the~~ aging persons and for adults with
8 physical disabilities, ~~programs~~ programs, and projects in this State to benefit ~~the~~ aging persons and adults with physical
9 disabilities and ~~such~~ other matters as may be referred to it by the Governor, the Secretary of the ~~Department~~ Department, or
10 the ~~Director of the Division of Services for the Aging and Adults with Physical Disabilities.~~ Director. The Council may
11 study, research, ~~plan and~~ plan, or advise the Director, the ~~Secretary and~~ Secretary, or the Governor on matters it deems
12 appropriate to enable the Division to function in the best possible manner.

13 (c) The Council on Services for Aging and Adults with Physical Disabilities ~~shall be~~ is composed of 15 members.
14 ~~Members shall be appointed by the~~ The Governor shall appoint members for terms of up to 3 years. ~~The~~ Members' terms of
15 ~~the Council members shall~~ must be staggered ~~in such a manner~~ so that the terms of no more than 7 members expire in 1
16 year. The Council ~~shall consist~~ consists of the following:

17 (1) Three members, each being a resident from a different county in this State and an aging or elderly person or a
18 caregiver of an aging or elderly person as defined in § 7920 of this title.

19 (2) ~~Four~~ Three members, each being from a public or nonprofit agency that provides services to aging persons.

20 (3) Three members, each being a resident from a different county in this State and an adult with a physical
21 disability or a caregiver of an adult with a physical disability as defined in § 7920 of this title.

(4) ~~Four~~ Three members, each being from a public or nonprofit agency that provides services to persons with physical disabilities.

(5) One member who represents veterans' issues.

(6) Two members, each being from a public or nonprofit agency that provides services to alleged victims as defined in § 3902 of Title 31.

(d) The Council membership shall must be composed of representatives in the following areas: aging persons, representatives of public ~~and/or~~ or nonprofit agencies that serve aging persons, persons with a physical disability, low income ~~older~~ aging persons, low income persons with a physical disability, minority ~~older~~ aging persons, minority persons with a physical disability, veterans' affairs, representatives of public or nonprofit agencies that provide services to alleged victims as defined in § 3902 of Title 31, and representatives of public ~~and/or~~ or nonprofit agencies that serve adults with physical disabilities. Each Council member ~~can be representative of~~ may represent more than 1 area, but ~~no Council member shall be representative of more~~ a member may not represent more than 3 areas.

(e) ~~Members of the Council shall serve~~ A Council member serves without compensation, except ~~that they may be~~ reimbursed for reimbursement for reasonable and necessary expenses incident to ~~their duties as members~~ a member of the Council.

(f) ~~A Chairperson of the Council shall be elected annually by the members of the Council~~ Council members shall elect a chair for a 2-year term from among its members, ~~except that the office shall rotate between representatives with the chair alternating each term between a representative of the aging community and representatives~~ a representative of adults with physical disabilities. In its first year of operation, the Council shall be chaired by a representative of the aging community. In its second year of operation, the Council shall be chaired by a representative of adults with physical disabilities. Thereafter, the chairperson shall alternate and shall serve a 2-year term. A chairperson shall be eligible to A chair may serve 2 nonconsecutive terms.

(g) ~~Any replacement~~ An appointment to the Council to fill a vacancy prior to the expiration of a term shall be ~~filled for~~ fill the remainder of the term.

(h) ~~Members who are~~ The Council chair shall discharge a member who is absent from more than 3 consecutive meetings, unless excused by the Council, ~~shall be discharged from the Council by the Council Chairperson~~ Council.

(i) The Council may establish subcommittees and make appointments to ~~any such~~ the subcommittees with the approval of all members of the Council.

(j) A quorum of the Council ~~consists of~~ is a majority of the council members.

51 (k) ~~All decisions made by the~~ A Council decision relative to policy and budget ~~shall~~ must be made by a majority of
52 the members present at a meeting ~~with~~ that has a quorum. ~~Staff assistance shall be given to the Council and any~~
53 ~~subcommittees.~~ The Division of Services for Aging and Adults with Physical Disabilities shall provide staff assistance to
54 Council and Council's subcommittees.

SYNOPSIS

This Act is a result of the Joint Legislative Oversight and Sunset Committee's ("JLOSC") review of Adult Protective Services ("APS"). In the process of the review, and with APS's agreement, JLOSC recommended eliminating the Adult Protective Services Advisory Council under § 3903 of Title 31 and absorbing that council's role into the Council on Services for Aging and Adults with Physical Disabilities. This Act makes the required changes to the Council on Services for Aging and Adults with Physical Disabilities. The APS Advisory Council is removed from Title 31 in separate legislation.

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