SPONSOR: Sen. Lopez & Sen. Brown & Rep. Schwartzkopf
Sens. S. McBride, Pinkney; Reps. Baumbach, Heffernan, Hensley, Mitchell, Osienski, D. Short

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 236
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE DELAWARE CODE RELATING TO RENAMING THE STATE HUMAN RELATIONS COMMISSION AND THE DIVISION OF HUMAN RELATIONS.

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

Section 1. Amend § 4502, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Definitions.

For purposes of this chapter:

(2) "Chairperson" means the Chairperson of the ~~State Human Relations Commission.~~ Delaware Human and Civil Rights Commission.

(3) "Commission" means the ~~State Human Relations Commission~~. Delaware Human and Civil Rights Commission.

(9) "Division" means the ~~Division of Human Relations.~~ Division of Human and Civil Rights.

Section 2. Amend § 4505, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4505. Authority of the Commission; delegation.

(a) The ~~State Human Relations Commission~~ Commission shall implement the provisions of this chapter not expressly vested in another entity.

(c) The Commission may delegate, to the ~~Division of Human Relations,~~ Division, any power, duty, or function vested in it by this chapter unless the delegation is expressly prohibited. If the Commission delegates to the Division a power, duty, or function vested in it by this chapter, the delegation shall specifically state the power, duty, or function being delegated.

Section 3. Amend § 4508, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4508. Procedure on complaint.

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(e) If a complaint cannot be resolved through conciliation as provided in subsection (c) of this section, the Commission shall appoint a panel to hold a public hearing within 60 days after the expiration of 120-day period for investigation and conciliation. The deadlines provided in subsection (c) of this section and this subsection may be extended by the Chairperson or the Panel Chair at the request of any party or an employee of the ~~Commission of Human Relations~~ Commission upon a showing of good cause.

Section 4. Amend § 4510, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4510. Compelling attendance of witnesses and production of documents, oaths, subpoenas.

(a) The Commission may issue subpoenas and order discovery in aid of investigations and hearings under this chapter. Such subpoenas shall be signed by the chairperson or panel chair and may be served by any sheriff, deputy sheriff, constable or any member of the Commission or employee of the ~~Division of Human Relations~~ Division and return thereof shall be made to the Commission. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the Superior Court. Provided, however, that such subpoenas and discovery in aid of investigations are first to be reviewed by the Attorney General to determine whether there is reason to believe that there has been a violation of this chapter.

Section 5. Amend § 4602, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4602. Definitions.

As used in this chapter:

(3) "Chairperson" means the Chairperson of the ~~State Human Relations Commission.~~ Delaware Human and Civil Rights Commission.

(4) "Commission" means the ~~State Human Relations Commission~~. Delaware Human and Civil Rights Commission.

(12) "Division" means the ~~Division of Human Relations.~~ Division of Human and Civil Rights.

Section 6. Amend § 4608, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4608. Administration.

(a) The ~~State Human Relations Commission~~ Commission shall implement the provisions of this chapter not expressly vested in another entity.

(b) (1) The Commission may delegate to a panel of its members any power, duty, or function vested in it by this chapter. No panel to which any power, duty, or function of the Commission is delegated shall consist of fewer than 3 members of the Commission.

(2) The Commission may delegate, to the ~~Division of Human Relations,~~ Division, any power, duty, or function vested in it by this chapter unless the delegation is expressly prohibited. If the Commission delegates to the Division a power, duty, or function vested in it by this chapter, the delegation shall specifically state the power, duty, or function being delegated. The Commission shall not ~~delegated~~ delegate its power or duty to conduct public hearings or order relief to the Division.

Section 7. Amend § 7304, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7304. Architectural Accessibility Board — Created; composition; terms; vacancies; compensation.

(c) The chair may request that any of the following individuals, or their designees, attend a scheduled meeting as needed to conduct business within the individual's area of expertise:

(9) Chairperson of the ~~Human Relations Commission.~~ Delaware Human and Civil Rights Commission.

(10) Chief building inspectors of each of the counties of ~~the~~ this State and of the City of Wilmington, or if no such position exists, then an individual designated by the governing body of the jurisdiction.

Section 8. Amend § 8708, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8708. Exemptions.

The following positions set forth in this chapter shall be exempt from Chapter 59 of this title:

(7) ~~Chief of Human Relations;~~ Director of the Division of Human and Civil Rights.

Section 9. Amend § 8733, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8733. ~~Division of Human Relations.~~Division of Human and Civil Rights.

(a) The ~~Division of Human Relations~~ Division of Human and Civil Rights is established, and shall be responsible for the performance of all the administrative, ministerial, fiscal and clerical functions of the ~~State Human Relations Commission.~~ Delaware Human and Civil Right Commission. The Director of the Division may appoint and remove employees of the Division as provided by law.

(b) Except as provided in subsection (a) of this section, the membership, remuneration, organization, meetings, powers, duties and functions of the ~~State Human Relations Commission~~ Delaware Human and Civil Rights Commission shall remain as prescribed in Chapters 45 and 46 of Title 6 and Chapter 30 of Title 31.

Section 10. Amend § 10004, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10004. Open meetings.

(h) This section shall not apply to the proceedings of:

(9) The deliberations of the following agencies for any case decision governed by the Administrative Procedures Act in Chapter 101 of this title:

a. ~~State Human Relations Commission;~~ Delaware Human and Civil Rights Commission;

Section 11. Amend § 10161, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10161. State agencies affected.

(a) This chapter shall apply only to the following agencies:

(5) ~~State Human Relations Commission;~~ Delaware Human and Civil Rights Commission;

Section 12. Amend Chapter 30, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 30. ~~State Human Relation Commission~~ Delaware Human and Civil Rights Commission.

Section 13. Amend § 3001, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3001. ~~State Human Relations Commission~~ Delaware Human and Civil Rights Commission composition; vacancies; compensation; removal; quorum.

(a) The ~~State Human Relations Commission~~ Delaware Human and Civil Rights Commission ("Commission") consists of 18 members, all of whom are appointed by the Governor and, collectively, meet all of the following criteria:

(1) Broadly represent the various racial and cultural groups of this State.

(2) All reasonable efforts must be made to ensure that each county is represented by at least 5 members.

Section 14. Amend § 3003, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3003. Responsibilities.

The Commission is responsible for carrying out public information and education programs, preparing reports and recommendations, and making surveys and studies necessary for the performance of its duties under this chapter. The Commission may delegate 1 or more of its responsibilities under this section to the ~~Division of Human Relations,~~ Division of Human and Civil Rights ("Division"), but the delegation must specifically state the responsibility the Division must undertake.

Section 15. Amend § 3005, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3005. Special Administration Fund.

(a) *Creation.* — A special fund in the State Treasury, to be known as the Special Administration Fund of the ~~Human Relations Commission~~ Delaware Human and Civil Rights Commission and referred to as "the Fund" throughout this section, consists of:

(1) All civil penalties assessed and collected under Chapter 45 or 46 of Title 6.

(2) Costs, attorneys' fees, and expenses awarded to the Commission under Chapter 45 or 46 of Title 6.

(3) All Community Development Block Grant moneys designated for the administration and enforcement of Chapter 46 of Title 6.

(4) All other moneys specifically designated for the Fund.

(5) All interest on or profits earned by the Fund.

Section 16. Amend § 3006, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3006. Subpoenas; compelling testimony.

(b) Any subpoena, process, order of the Commission, or other paper requiring service may be served by any sheriff, deputy sheriff, constable, or employee of the ~~Division of Human Relations.~~ Division.