SPONSOR: Rep. Bentz & Sen. Townsend
Reps. Heffernan, Viola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 247
AS AMENDED BY
SENATE AMENDMENT NO. 2

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:

Section 1. Amend § 7915, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

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

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

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

(c) The Council on Services for Aging and Adults with Physical Disabilities shall be composed of ~~22 members~~ 15 members.~~who shall be appointed for 3-year terms by the Governor.~~ Members shall be appointed by the Governor for terms of up to three years. The terms of the Council members shall be staggered in such a manner so that the terms of no more than 7 members expire in 1 year. The Council shall consist of the following: ~~as will insure, as nearly as possible, an equal and uniform number of vacancies arising each year. Eleven members of the Council shall be comprised of aging consumers apportioned as follows: 1 aging consumer each from New Castle County, excluding Wilmington, Kent County, Sussex County and Wilmington and 3 at-large members who may reside anywhere in the State. There shall also be 4 representatives of public and/or nonprofit agencies that serve aging consumers who may reside anywhere in the State. Eleven members shall represent adults with physical disabilities to be apportioned as follows: 1 consumer with physical disabilities from New Castle County, excluding Wilmington, Kent County, Sussex County and Wilmington, and 3 at-large~~

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Released: 01/25/2018 07:03 PM

~~consumers with physical disabilities who may reside anywhere in the State. There shall also be 4 representatives of public and/or nonprofit agencies that serve adults with physical disabilities who may reside anywhere in the State.~~

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

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

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

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

(5) One member who represents veterans' issues.

(d) ~~At least 10, but no more than 12, members of the Council shall be affiliated with 1 of the major political parties, and at least 8, but no more than 10, members of the Council 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 member of the Council.~~ The Council membership shall be composed of representatives in the following areas: aging ~~consumers,~~ persons, representatives of public and/or nonprofit agencies that serve aging ~~consumers, persons, consumers~~ persons with a physical disability, low income older persons, low income persons with a physical disability, minority older ~~persons and~~ persons, minority persons with a physical disability, veterans' affairs, and representatives of public and/or nonprofit agencies that serve adults with physical disabilities. Each Council member can be representative of more than 1 area, but no Council member shall be representative of more than 3 areas.

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

(f) A Chairperson of the Council shall be ~~chosen~~ elected annually by the members of the Council from among its members, except that the office shall rotate between ~~consumer~~ representatives of the aging community and ~~consumer~~ representatives of adults with physical disabilities. In its 1st year of operation, the Council shall be chaired by a representative of the aging community. In its 2nd year of operation, the Council shall be chaired by a ~~consumer~~ representative of adults with physical disabilities. Thereafter, the chairperson shall alternate and shall serve a 2-year term. A chairperson shall be eligible to serve 2 nonconsecutive terms.

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

(h) Members who are absent from more than 3 consecutive meetings, unless excused by the Council, shall be discharged from the Council by the Council Chairperson.

(i) The Council may establish subcommittees and make appointments to any such subcommittees with the approval of all members of the Council. ~~There shall be 2 permanent subcommittees of the Council, in addition to any other committees that are established. Representatives of adults with physical disabilities shall form 1 Subcommittee on Physical Disabilities. Representatives of the aging community shall form a Subcommittee on Aging. The subcommittees shall meet as often as deemed necessary, in addition to the monthly meetings of the full Council. All decisions made by the Council relative to policy and budget shall be made by the full Council. Staff assistance shall be given to the subcommittees as well as to the full Council.~~

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

(k) All decisions made by the Council relative to policy and budget shall be made by a majority of the members present at a meeting with a quorum. Staff assistance shall be given to the Council and any subcommittees.