SPONSOR: Sen. Hansen & Rep. K. Williams
Sens. Hoffner, Huxtable, Mantzavinos, Poore, Sturgeon, Walsh; Reps. Baumbach, Hilovsky, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 251
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE INSTITUTE OF VETERINARY MEDICAL EDUCATION AND THE DELAWARE VETERINARIAN MEDICINE EDUCATION ADVISORY COUNCIL.

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

Section 1. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 87A. Delaware Veterinary Medicine Education Advisory Council.

Section 2. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8701A. Creation and purpose.

(a) The Delaware Veterinary Medicine Education Advisory Council is established and serves in an advisory capacity to the Department of Agriculture.

(b) The purpose of this chapter is to initiate, encourage, and promote all of the following:

(1) Satisfactory alternatives to a state-supported veterinary medical school for Delaware residents seeking a doctorate or similar degree in veterinary medicine education.

(2) Creation of opportunities for Delaware residents to obtain veterinary medical training.

(3) A strengthening of the factors favoring the decision of qualified veterinary medical and technical personnel to practice in Delaware.

(4) Development of a coordinated program of pre-veterinary medicine education among state public education institutions.

(5) Development of programs of education and training in veterinary medicine-related fields and research.

(6) Administration and monitoring of veterinary medicine school scholarships, loans, or loan repayment programs.

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Section 3. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8702A. Definitions.

As used in this chapter:

(1) "Advisory Council" means the Delaware Veterinary Medicine Education Advisory Council.

(2) "Department" means the Department of Agriculture.

Section 4. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8703A. Advisory Council – composition; appointment; terms; quorum; compensation; removal; staffing.

(a) Composition & appointment. The Advisory Council consists of 13 members. Membership is comprised as follows:

(1) One veterinary practitioner who is a former recipient of educational assistance through the Delaware Institute of Veterinary Medicine Education, the Advisory Council, the Southern Regional Education Board Regional Contract Program for Veterinary Medicine, or a similar entity or program, appointed by the Governor.

(2) One member of the faculty of the University of Delaware, appointed by the University of Delaware Dean of the College of Agricultural Sciences.

(3) One faculty member of Delaware State University, appointed by the Delaware State University Head of the Department of Agriculture and Natural Resources.

(4) One member of the Delaware Veterinary Medical Association, appointed by the Governor. The Governor may consider potential nominees from a list that the Delaware Veterinary Medical Association provides.

(5) The Secretary of the Department of Agriculture, or the Secretary's designee.

(6) The Secretary of the Department of Education, or the Secretary's designee.

(7) The State Veterinarian, or the Veterinarian's designee.

(8) The President of the Delaware Farm Bureau, or the President's designee.

(9) The Director of the Office of Animal Welfare, or the Director's designee.

(10) The President of the Delaware Technical Community College, or the President's designee.

(11) Two members representing different animal shelters in this state, appointed by the Governor.

(12) One representative of the State Board of Veterinary Medicine, appointed by the Governor. The Governor may consider potential nominees from a list that the State Board of Veterinary Medicine provides.

(b) Designees. A member who may select a designee must select the designee from the organization that the member represents to serve in their stead and at their pleasure. A member must provide the designation to the chair in writing. A designee has the same duties and rights as the member the designee represents.

(c) Terms & vacancies. A member, other than a member who serves by virtue of position, is appointed for a period of 3 years and may serve additional terms until replaced. Each term expires on the date specified in the appointment, but a member remains eligible to participate in Advisory Council proceedings until the appropriate appointing authority replaces that member.

(d) Quorum. A majority of the members must be present at an Advisory Council meeting in order to have quorum and conduct official business. A majority of the members present at a meeting at which quorum is present is sufficient to approve an action of the Advisory Council. A vacancy on the Advisory Council is not counted for quorum.

(e) Conduct of business. The Advisory Council may adopt rules necessary for its operation. If the Advisory Council does not adopt rules or the adopted rules do not govern a given situation, Robert's Rules of Order governs.

(f) Chair. The Advisory Council shall annually elect 1 chair and 1 vice-chair from among its members.

(g) Compensation. A member receives no compensation but may be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.

(h) Removal. A member may be removed by the member's appointing authority for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office.

(1) A member is deemed in neglect of duty if the member is absent from 3 consecutive Advisory Council meetings without good cause or fails to attend at least 50% of all regular Advisory Council meetings in a calendar year.

(2) A member who is deemed in neglect of duty is considered to have resigned, and the member's appointing authority may consider the member to have resigned and may accept the member's resignation.

(i) Staffing. The Department of Agriculture, through the Secretary, shall provide reasonable staff support to assist the Advisory Council in performing its duties.

Section 5. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8704A. Advisory Council – authority and duties.

The Advisory Council shall do all of the following:

(1) Research and complete a landscape analysis every 10 years of the veterinary needs and options present in Delaware, and develop recommendations to increase veterinary medicine in Delaware. The first analysis must be completed no later than [18 months after the date of enactment of this Act]. Subsequent analyses must also include a

measurement of the impact of the Advisory Council and the Southern Regional Education Board Regional Contract Program for Veterinary Medicine or similar entity or program.

(2) Develop and monitor a recruitment program for veterinary medicine education in conjunction with local colleges and universities to encourage veterinary medicine applications from Delaware residents.

(3) Develop and maintain statewide communications, publicity, and marketing plans to promote awareness of the existence of the Advisory Council and veterinary opportunities for Delaware residents, including the Veterinary Medicine Regional Contract Program as managed by the Department of Education through a contract with the Southern Regional Education Board.

(4) Monitor veterinary medicine schools serving Delaware residents for data regarding the number of Delaware residents graduating and initial placement after graduation.

(5) Develop recruitment programs aimed at attracting pre-veterinary medicine students interested in practicing in Delaware.

(6) Support, as appropriate, private sector provider recruitment efforts by consolidating information collection and dissemination efforts, such as statewide recruitment brochures.

(7) Assist and advise the Department of Education and the Department of Agriculture in developing a working relationship or affiliation agreement with out-of-state veterinary medicine schools to carry out the purposes of this chapter. The Department of Education and the Department of Agriculture, not the Advisory Council, may approve an agreement under this paragraph. The State, not the Advisory Council, must be a signatory to a document setting the terms of an agreement under this paragraph.

(8) Adopt bylaws or rules to carry out its functions under this chapter.

(9) Submit an annual report to the Governor, the General Assembly, the Chair and Vice Chair of the Joint Finance Committee, the Department of Agriculture, the Department of Education, and the Director and Librarian of the Division of Research of Legislative Council not later than January 1. The report should include a summary of each action the Advisory Council took during the year of the report and recommendations the Advisory Council has identified to encourage graduates of veterinary medicine schools to return or come to practice in Delaware.

Section 6. Amend Chapter 87, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 87. Delaware Institute of Veterinary Medical Education [Repealed.]

Section 7. Amend § 8701, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8701. Purposes. [Repealed.]

~~The purpose of this chapter shall be to initiate, encourage and promote:~~

~~(1) A satisfactory alternative to a state-supported veterinary medical school until such time as it appears feasible to establish a state-supported veterinary medical school.~~

~~(2) Creation of opportunities for Delaware residents to obtain veterinary training.~~

~~(3) A strengthening of the factors favoring the decision of qualified veterinary personnel to practice in Delaware.~~

Section 8. Amend § 8702, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8702. Definition. [Repealed.]

~~As used in this chapter:~~

~~"Board" means the Board of Trustees of the Delaware Institute of Veterinary Medical Education.~~

Section 9. Amend § 8703, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8703. Board — Creation. [Repealed.]

~~There shall be a Board of Trustees of the Delaware Institute of Veterinary Medical Education which shall be a state agency.~~

Section 10. Amend § 8704, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8704. Board — Composition; appointment; term; compensation; vacancies; quorum. [Repealed.]

~~(a) The Board shall consist of 5 trustees as follows:~~

~~(1) One shall be a veterinary practitioner appointed by the Governor.~~

~~(2) One shall be a member of the State Board of Veterinary Examiners and appointed by the Governor.~~

~~(3) One shall be a member of the faculty of the University of Delaware and be appointed by the Dean of the College of Agricultural Sciences.~~

~~(4) One shall be a faculty member of Delaware State University and be appointed by the Head of the Department of Agriculture and Natural Resources.~~

~~(5) One shall be a member of the Delaware Veterinary Medical Association and be appointed by that organization's Executive Board.~~

~~(b) All members shall be appointed for terms of 3 years subject to 1 consecutive reappointment. Any member appointed to fill a vacancy shall be appointed only for the unexpired term.~~

~~(c) Three members of the Board shall constitute a quorum. A majority of the members present at any meeting at which a quorum is present shall be sufficient for any action by the Board.~~

Section 11. Amend § 8705, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8705. Board — Fiscal and property powers. [Repealed.]

~~(a) The Board may provide financial contributions to cooperating veterinary schools to secure positions for qualified residents of Delaware, and may pay or contribute financially to the cost of veterinary medical education of qualified residents of Delaware at any such veterinary school which would benefit the State and/or veterinary medicine students financially, but in no case shall the amount of tuition paid by Delaware residents be less than that which in-state veterinary students pay at the cooperating veterinary school or schools; and may make such other payments as are required for the furtherance of the purposes of the Institute and the performance of the duties of the Board. The Board may not pay or contribute to the normal student costs of veterinary medical education, including, but not limited to, tuition, books, room and board.~~

~~(b) The Board may receive, hold, invest, reinvest and use on behalf of the Institute and for any of its purposes, real property, personal property and moneys, or any interest therein, and income therefrom, either absolutely or in trust. The Board may acquire such property or moneys for such purposes by the acceptance of gifts, grants, appropriations, bequests and devises from any sources, either public or private.~~

Section 12. Amend § 8706, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8706. Board — Powers generally. [Repealed.]

~~For the effectuation of the purposes of this chapter, the Board, in addition to such other powers expressly granted to it by this chapter, shall have the following powers:~~

~~(1) To select such officers, including a Chair, as it may deem desirable from among its own membership;~~

~~(2) To adopt and use a seal;~~

~~(3) To sue and be sued;~~

~~(4) To adopt bylaws and to make and promulgate such rules and regulations as are necessary and proper for the conduct of the business of the Board;~~

~~(5) To exercise all other powers not inconsistent with this chapter which may be reasonably necessary or incidental to effectuate the purposes of the Institute.~~