



SPONSOR: Rep. Collins & Sen. Hoffner  
Reps. Burns, Hilovsky, Ortega, Phillips, Romer, Shupe,  
Michael Smith, Spiegelman, Vanderwende, K. Williams,  
Wilson-Anton; Sens. Huxtable, Paradee, Wilson

HOUSE OF REPRESENTATIVES  
153rd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
HOUSE BILL NO. 329  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 20 AND 29 OF THE DELAWARE CODE RELATING TO EMERGENCY MANAGEMENT AND EMERGENCY REGULATIONS.

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

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

§ 3115. General authority of the Governor.

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

(b) ~~In performing the duties of the Governor under this chapter,~~ Except as provided in subsection (c) of this section or as may be authorized by § 10119 of Title 29 of this Code, only the Governor may issue, amend and rescind all necessary executive orders, emergency orders, proclamations and regulations, which shall have the force and effect of law.

(c) In addition to the powers conferred upon the Governor by this chapter, a state of emergency may be proclaimed by emergency order of the Governor upon a finding that an emergency or disaster has occurred or that such occurrence or threat of that occurrence is imminent.

(1) ~~The~~ Except as provided in this subsection, a state of emergency shall ~~may be effective for a period of not longer than 120 days and may be renewed once for a period not exceeding 60 days unless~~ continue ~~until~~ the Governor finds that the threat or danger has passed or the emergency or disaster has been dealt with to

the extent that conditions necessitating a state of emergency no longer exist and terminates the state of emergency by subsequent order.

~~(2) No state of emergency can continue for more than 30 days without being renewed by the Governor.~~ The duration of a state of emergency order may not exceed a total of 180 days under paragraph 1 of this subsection without a finding from the Governor that a second renewal order is required by an ongoing emergency or disaster. Any second or subsequent renewal order may be amended or terminated at any time by Concurrent Resolution of the General Assembly.

(3) The General Assembly may meet in person or virtually by electronic means at the call of each Chamber's presiding officer or at the call of the Governor to consider any second or subsequent renewal order or amendment to such orders for as long as the state of emergency order continues in effect. A meeting of the General Assembly called under this section must be held within 15 days of the meeting being called. Any second or subsequent renewal order of the state of emergency order shall continue in effect to the end of the term of the order unless terminated by the Governor or action of the General Assembly.

(4) All orders and renewal orders and amendments to such orders issued under this chapter shall indicate the nature of the emergency or disaster, the geographical area or areas threatened, and the conditions which have brought the emergency or disaster about or which make possible termination of the state of emergency. The Governor may terminate any state of emergency order or subsequent renewal order at any time.

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

(6) Any emergency order issued within 3 months of the termination of a prior emergency order and is based upon substantially similar reasons or events as the prior terminated order may be amended or terminated by the General Assembly at any time.

(7) Any emergency order that restricts the activities or operations of any business, childcare, healthcare, religious, educational, or non-profit facility must specifically delineate which entities, facilities, activities, or operations that are to be restricted.

(8) The Governor or persons designated by the Governor must, every 30 days that the State of Emergency is in effect, give the General Assembly updates, through a written report, relating to the emergency authorized by this section.

Section 2. Amend § 3116, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

“(e) Notwithstanding any law or regulation to the contrary, any powers or duties conferred upon the Governor by this chapter and delegated by the Governor to any Secretary, Department, agency of the State, or any other entity or person shall be subject to the same requirements, time limitations, and General Assembly action as would be applicable to such actions taken directly by the Governor.”

Section 3. Amend § 10119, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

“(6) No emergency regulation or order substantially similar to a current or prior emergency regulation or order that has expired or has been terminated under paragraph (3) of this section may be adopted without approval of the General Assembly.”

Section 4. This Act shall take effect when the Governor in office at the time this Act is enacted, for any reason, is no longer Governor.