



SPONSOR: Rep. Lavelle & Rep. D. Short & Sen. Lawson;  
Reps. Hudson, Ramone, Gilligan

HOUSE OF REPRESENTATIVES  
146th GENERAL ASSEMBLY

HOUSE BILL NO. 159

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMPENSATION COMMISSION AND CHANGING IT TO AN ADVISORY COMMISSION KNOWN AS THE DELAWARE SALARY SURVEY COMMISSION.

1 WHEREAS, in the mid 1980s, the Delaware Compensation Commission was designed to calculate proper pay raises  
2 for elected officials, certain appointed officials, and members of the judiciary; and

3 WHEREAS, an unfortunate attribute of the legislative mandate required that the legislature affirmatively reject the  
4 raises designated by the Commission, else the raises automatically went into effect; and

5 WHEREAS, such a process for determining the salaries of select State employees is not in keeping with democratic  
6 principles as such principals demand that the expenditures of public funds be affirmatively voted upon; and

7 WHEREAS, eliminating the Commission and replacing it with a Salary Survey Commission which provides advisory  
8 opinions that do not have the force of law will add to public confidence and will result in the fairest process for salary  
9 reviews; and

10 WHEREAS, other State employees receive pay raises through the fair and deliberate annual budget process in which  
11 pay raises are recommended by the Joint Finance Committee; and

12 WHEREAS, the members of the 146<sup>th</sup> General Assembly find that the fairest method of compensation for those State  
13 employees covered by the Compensation Commission, and the one which will be most consistent with public confidence in  
14 appropriate compensation, is to set all increases in compensation through the annual budget process as it is currently the  
15 process for adjusting compensation for general State employees; and

16 WHEREAS, the members of the 146<sup>th</sup> General Assembly find that replacing the "Delaware Compensation  
17 Commission" with the "Delaware Salary Survey Commission" and designating the Salary Survey Commission as an  
18 advisory commission better reflects the spirit of representative democracy.

19 NOW, THEREFORE:

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

21 Section 1. Amend Chapter 33, Title 29 of the Delaware Code by striking the phrase "Delaware Compensation  
22 Commission" where it appears in the Chapter heading and in the first sentence of § 3301 and by substituting in lieu thereof:  
23 "Delaware Salary Survey Commission".

24 Section 2. Amend § 3301, Title 29 of the Delaware Code by striking the phrase "established a commission" where it  
25 appears in the first sentence of § 3301 and by substituting in lieu thereof: "established an advisory commission".

26 Section 3. Amend § 3304, Title 29 of the Delaware Code by striking § 3304 in its entirety and by substituting in lieu  
27 thereof the following:

28 "§ 3304. Effect of Commission report.

29 The study and recommendations report prepared and submitted pursuant to this chapter for offices specified in  
30 § 3303(a) of this chapter is an advisory report which does not bind the Governor, the General Assembly, or the Joint  
31 Finance Committee."

32 Section 4. It is the intent of the Legislature to replace the Delaware Compensation Commission with the Delaware  
33 Salary Survey Commission, an advisory commission, and to retain the Compensation Commission members as members of  
34 the Delaware Salary Survey Commission. Organizational, administrative, study, and report procedures remain the same to  
35 the extent possible, with the exception of the amendments made to Chapter 33 of Title 29 of the Delaware Code by Sections  
36 1, 2, and 3 of this Act.

#### SYNOPSIS

This bill changes the name of the Delaware Compensation Commission to the Delaware Salary Survey Commission. The salary recommendation report issued every four years is an advisory report which does not bind the Governor, the General Assembly, or the Joint Finance Committee. Offices presently covered by the Compensation Commission are expected to generally receive the same pay raises received by general State employees. The Delaware Salary Survey Commission's reports will be available in case market conditions require adjustments in compensation for those positions covered in the report (such market condition adjustments only being made through the budget or legislative process).