



SPONSOR: Sen. Townsend & Sen. Seigfried & Rep. Harris

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 289

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEE BENEFITS COMMITTEE.

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

Section 1. Amend § 9602, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9602. State Employee Benefits Committee.

(a) (1) The State Employee Benefits Committee ("Committee") is comprised of the following voting members, or a designee selected by the ~~member serving by virtue of position:~~ member:

a. The Lieutenant Governor.

b. The Insurance Commissioner.

c. The Chief Justice of the Supreme Court.

d. The State Treasurer.

e. The Director of the Office of Management and ~~Budget, who serves as chair.~~ Budget.

f. ~~The Secretary of the Department of Human Resources.~~ [Repealed.]

g. The Secretary of the Department of Health and Social Services.

h. Two residents of this State who are eligible pensioners under § 5201 of this title, 1 member appointed by the President Pro Tempore of the Senate and 1 member appointed by the Speaker of the House of Representatives.

i. Two members, 1 member appointed by the President Pro Tempore of the Senate and 1 member appointed by the Speaker of the House of Representatives, from among the following persons:

1. The President of the Delaware State Education ~~Association or designee.~~ Association.

2. The Executive Director of the American Federation of State, County and Municipal ~~Employees or designee.~~ Employees.

3. The President of the Correctional Officers Association of ~~Delaware or designee.~~ Delaware.

22 4. The President of the Delaware State Troopers ~~Association or designee.~~ Association.

23 j. The Chair of the Delaware Health Care Commission, who serves as Chair of the Committee.

24 k. The Controller General of the Office of the Controller General.

25 (2) ~~The Controller General~~ Secretary of the Department of Human Resources is a nonvoting member of the
26 Committee and may ~~designate the Deputy Controller General~~ select a designee to attend meetings of the Committee or
27 a subcommittee.

28 (5) For purposes of this section, "subcommittee" means a body formed under the authority of the Committee,
29 including a proposal review committee.

30 (d) The Committee shall hold regular meetings at least once every 6 months. Meetings of the Committee and
31 subcommittees are open to the public and must be in accordance with Chapter 100 of this title.

32 (1) c. A meeting of a subcommittee does not constitute a meeting of the Committee solely because a quorum
33 of the Committee is appointed to the subcommittee or attends a meeting of the subcommittee.

34 (2) a. Appointed members may ~~not~~ attend Committee meetings and subcommittee meetings through a
35 ~~designee.~~ a designee if both of the following apply:

36 1. The proposed designee is approved by the appointing authority that appointed the member.

37 2. The appointed member provides written approval from the appointing authority to the Chair of the
38 Committee or Chair of the subcommittee, as applicable.

39 b. Notwithstanding paragraph (d)(2)a. of this section, an appointed member may not, through a designee,
40 attend ~~Except for~~ meetings of the Retiree Healthcare Benefits Advisory Subcommittee under § 9604(a) of this title,
41 ~~appointed members may attend subcommittee meetings through a designee.~~ title.

42 c. ~~A member of the Committee with the ability to designate~~ or a subcommittee who designates another
43 individual to attend a meeting must provide the designation in writing to the ~~chair.~~ Chair of the Committee or the
44 Chair of that subcommittee, as applicable. An individual attending a meeting for a member as a designee has the
45 same duties and rights as the member.

46 (3) b. Official action by a subcommittee, including making findings and recommendations, requires the
47 ~~approval~~ approval, by roll call vote, of a quorum of the subcommittee.

SYNOPSIS

This Substitute differs from Senate Bill No. 289 by retaining the State Treasurer as a member of the State Employee Benefits Committee (Committee) and making the Secretary of the Department of Human Resources a nonvoting member.

Like SB 289, this Act allows the appointed members of the Committee to select designees to attend Committee and subcommittee meetings, as is currently allowed for Committee members serving by virtue of position. This change

does not apply to meetings of the Retiree Healthcare Benefits Advisory Subcommittee. The authority that appointed the member must approve the appointed member's proposed designee and the appointed member must provide that written approval to the Committee chair or subcommittee chair, as applicable.

In addition, this Act makes the Controller General a voting member of the Committee. This Act also adds the Chair of the Delaware Health Care Commission to the Committee and designates that individual as the Chair of the Committee. Further, this Act makes the Director of the Office of Management and Budget, who currently chairs the Committee, a regular voting member.

This Act clarifies that proposal review committees are subcommittees and clarifies that the membership or attendance of a quorum of Committee members on or at a subcommittee meeting does not constitute a meeting of the Committee.

The Act requires that official action by a subcommittee requires a roll call vote.

Author: Senator Townsend