

CHAPTER 312  
FORMERLY  
SENATE BILL NO. 246

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMERGENCY RESPONSE COMMISSION.

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

Section 1. Amend §8226, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 8226. State Emergency Response Commission.

(a) A State Emergency Response Commission (SERC) is hereby established in compliance with Title III of the Federal Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. Chapter 116, Emergency Planning and Community Right-to-Know) [42 U.S.C. § 11001] ~~The Commission shall be composed of, and all appointed commissioners shall serve at the pleasure of the appointing authority and, shall consist of the following:~~

1. the Secretary of the Department of Safety and Homeland Security, who shall be Chairperson, serve as Chair;

2. the Superintendent of the Delaware State Police, or a designee appointed by the Superintendent;

3. the Secretary of the Department of Transportation, or a designee appointed by the Secretary;

4. the Director of the Division of Waste and Hazardous Substances, or a designee appointed by the Secretary of the Department of Natural Resources and Environmental Control;

5. the Delaware State Fire Marshal, or a designee appointed by the State Fire Marshal;

6. the Director of the Delaware Emergency Management Agency, or a designee appointed by the Secretary of the Department of Safety and Homeland Security;

7. the Director of the Division of Public Health, or a designee appointed by the Secretary of the Department of Health and Social Services;

8. the chairperson of each of the local Emergency Planning Committees as designated by the State Emergency Response Commission, the Chairs of the SERC established Local Emergency Planning Committees (LEPC) which shall include the City of Wilmington LEPC, New Castle County LEPC, Kent County LEPC, and Sussex County LEPC, or an LEPC member appointed by the Chair;

9. a representative of the Chair of the State Fire Prevention Commission, or a State Fire Prevention Commission member, appointed by the Chair;

10. , 1 person from industry for each of the modes of transportation herein regulated (rail, air, highway and water), 1 person each representing shippers, users and consignees of hazardous materials to be appointed by the Governor for a term of 2 years, 7 commissioners which shall include representatives of air, water, rail and highway transportation, and 3 representatives with experience or knowledge in the area of hazardous materials to be appointed by the Governor for a term of 2 years;

11. the Director of the Delaware State Fire School and, or a designee appointed by the Director; and,

12. 1 appointment to be made by the President of the Delaware State Firefighter's Association, or a designee appointed by the President, who shall serve a term of 2 years.

(b) The Chairperson shall have no vote except in the case of a tie. ~~The Commission shall meet once each year~~ The SERC shall meet no less than once each year and at such other times and places as may be designated by the Chairperson or a majority of the ~~Commission~~ SERC commissioners. The Chairperson shall cause reasonable notice to be given to each Commission member as to the time and place of each meeting. Eleven Commission members shall constitute a quorum for the transaction of business at any meeting. Members of the Commission shall receive no compensation for the meeting.

(b c) After the enactment of this Act, the SERC may adopt any subsequent federal regulations lawfully promulgated under the parts of the Code of Federal Regulations herein adopted.

(e d) ~~The Commission~~SERC shall submit an annual report to the Governor and the ~~members of the~~ Delaware General Assembly.

(d e) ~~The Commission shall assign among the several Departments and Divisions represented on the Commission the duty of coordinating and assisting in the enforcement of this Act and the several parts thereof. Such delegation shall be accomplished by resolution duly adopted by a majority of the Commission present at the meeting. The Commission may also enlist the support of any other person which it deems necessary to assist in carrying out its functions and duties.~~ The SERC shall assign the State Departments and Divisions represented on the Commission, the duty of coordinating and assisting in the enforcement of this Act. Such assignments shall be affirmed by a majority vote of the SERC commissioners. The SERC may also enlist the support of any other person which it deems necessary to assist in carrying out its functions and duties.

(e f) ~~The Commission~~SERC has authority to promulgate rules and regulations to carry out the purposes of this Act. The SERC Chair may appoint subcommittees to address specific issues and provide subject matter expertise in the promulgation of its rules and regulations and the development of standards and programs to ensure continued compliance with §8226, Title 29 of the Delaware Code and the Code of Federal Regulations adopted therein by all affected agencies.

(g) The SERC may adopt or amend its bylaws. Bylaws shall only be adopted or amended with a three-fourths (¾) majority vote by SERC Commissioners.

Approved July 05, 2012