

CHAPTER 449
FORMERLY
HOUSE BILL NO. 411
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CONTINUITY OF GOVERNMENT OPERATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1801, Title 10 of the Delaware Code as follows:

§ 1801. Short title.

This chapter is known and may be cited as the "Emergency Interim Judicial Succession Act."

Section 2. Amend § 1802, Title 10 of the Delaware Code as follows:

§ 1802. Statement of policy.

The General Assembly finds and declares that in the event of an emergency event, it is necessary to provide for special emergency judges who can exercise the powers and discharge the duties of judicial offices if regular judges are unavailable. The General Assembly finds and declares that the creation of special emergency judges does all of the following:

- (1) Assures continuity of government through legally constituted leadership, authority, and responsibility in offices of the government of the State.
- (2) Provides for the effective operation of government during an emergency.
- (3) Facilitates the early resumption of functions temporarily suspended.

Section 3. Amend § 1803, Title 10 of the Delaware Code as follows:

§ 1803. Definitions.

As used in this chapter:

- (1) "Attack" means any action or series of actions causing, or which may cause, substantial damage or injury to persons or property by any means, including through biological, chemical, radiological, or nuclear means or through the use of other weapons, technologies, or processes.
- (2) "Emergency event" means an impending or existing attack, act of terrorism, disease, accident, or other natural or man-made disaster that does one or more of the following:
 - a. Threatens the life, health, or safety of the public.
 - b. Has, or has the potential to, damage or destroy property or disrupt service, commerce, or other economic activities.
 - c. Makes the continuation of normal government operations difficult or impossible.
- (3) "Regular judge" means the individual holding an office under this chapter before the emergency event.

(4) "Special emergency judge" means an individual designated under this chapter to exercise the powers and discharge the duties of an office held by another individual who is unavailable until a successor is qualified and appointed as may be provided by the Delaware Constitution or other law of this State or until the other individual who is unavailable is able to resume the exercise of the powers and discharge the duties of the office.

(5) "Unavailable" means either that a vacancy in an office under this chapter exists or that the regular judge is absent or unable to exercise the powers and discharge the duties of the office.

Section 4. Amend § 1804, Title 10 of the Delaware Code as follows:

§ 1804. Special emergency judges.

(a) A special emergency judge may exercise the powers and discharge the duties of an office under this chapter if both of the following apply:

(1) If a judge appointed under Article IV, § 2 of the Delaware Constitution is unavailable to exercise the powers and discharge the duties of the judge's office.

(2) If no other judge authorized to act in the event of absence, disability, or vacancy or no special judge appointed in accordance with the provisions of the Delaware Constitution or other law of this State is available to exercise the powers and discharge the duties of such office.

(b) Each Governor shall do all of the following:

(1) Designate for each member of the Supreme Court and the Superior Court not less than 3 nor more than 7 special emergency judges.

(2) Specify the order of succession of the individuals selected under paragraph (b)(1) of this section.

(3) Review and revise, as necessary, designations made under this subsection to ensure that at all times there are at least 3 qualified special emergency judges for each member of the Supreme Court and the Superior Court.

(c) A special emergency judge designated under subsection (b) of this section shall, in the order specified, exercise the powers and discharge the duties of an office under this chapter if a regular judge or another special emergency judge immediately preceding the special emergency judge in the order of designation is unavailable.

(d) A special emergency judge shall exercise the powers and discharge the duties of an office under this chapter until such time as a vacancy that exists is filled in accordance with the the Delaware Constitution or other law of this State, or until the regular judge or another special emergency judge preceding the the special emergency judge in the order of succession becomes available to exercise the powers and discharge the duties of the office.

(e) An individual may not be designated or serve as a special emergency judge unless the individual may, under the Delaware Constitution or other law of this State, hold the office of the judge to whose powers and duties the individual is designated to succeed.

Section 5. Amend § 1805, Title 10 of the Delaware Code as follows:

§ 1805. Formalities of taking office.

(a) At the time of an individual's designation as a special emergency judge, the individual shall take such oath as may be required for the individual to exercise the powers and discharge the duties of the office to which the individual may succeed.

(b) Notwithstanding any other provision of law, no individual, as a prerequisite to the exercise of the powers or discharge of the duties of an office under this chapter to which the individual succeeds, is required to comply with any other provision of law relative to taking office.

Section 6. Amend § 1806, Title 10 of the Delaware Code as follows:

§ 1806. Period in which authority may be exercised.

(a) An individual authorized to act as a special emergency judge may exercise the powers and discharge the duties of an office under this chapter as authorized in this chapter only after an emergency event has occurred.

(b) The General Assembly may, by concurrent resolution, terminate the authority of special emergency judges to exercise the powers and discharge the duties of office as provided in this chapter.

Section 7. Amend § 1807, Title 10 of the Delaware Code as follows:

§ 1807. Removal of designees.

Until an individual who is designated as a special emergency judge is authorized to exercise the powers and discharge the duties of an office under this chapter, the individual serves at the pleasure of the Governor and may be removed or replaced by the Governor at any time, with or without cause.

Section 8. Amend § 1701, Title 29 of the Delaware Code as follows:

§ 1701. Short title.

This chapter is known as and may be cited as the "Emergency Interim Legislative Succession Act."

Section 9. Amend § 1702, Title 29 of the Delaware Code as follows:

§ 1702. Declaration of policy.

The General Assembly declares all of the following:

(1) The possibility of an emergency event exists that may result in the death or inability to act of a large proportion of the membership of the General Assembly.

(2) To comply with existing legal requirements pertaining to the General Assembly during an emergency event would be impracticable, would cause undue delay, and would jeopardize continuity of operation of a legally constituted General Assembly.

(3) It is necessary to adopt special provisions as set out in this chapter for the effective operation of the General Assembly.

Section 10. Amend § 1703, Title 29 of the Delaware Code as follows:

§ 1703. Definitions.

As used in this chapter:

(1) "Attack" means any action or series of actions causing, or which may cause, substantial damage or injury to persons or property by any means, including through biological, chemical, radiological, or nuclear means or through the use of other weapons, technologies, or processes.

(2) "Emergency event" means an impending or existing attack, act of terrorism, disease, accident, or other natural or man-made disaster that does one or more of the following:

- a. Threatens the life, health, or safety of the public.
- b. Has, or has the potential to, damage or destroy property or disrupt service, commerce, or other economic activities.
- c. Makes the continuation of normal government operations difficult or impossible.

(3) "Incumbent member" means the individual holding an office under this chapter before the emergency event.

(4) "Member" means a member of the General Assembly under Article II of the Delaware Constitution.

(5) "Unavailable" means absent from the place of session other than on official business of the General Assembly or unable, for physical, mental, or legal reasons, to exercise the powers and discharge the duties of a member of the General Assembly, whether or not such absence or inability would give rise to a vacancy under the Delaware Constitution or other law of this State.

Section 11. Amend § 1704, Title 29 of the Delaware Code as follows:

§ 1704. Designation of emergency interim successors to members.

Each member shall do all of the following:

- (1) Designate not fewer than 3 nor more than 7 emergency interim successors to the member's powers and duties.
- (2) Specify the order of succession of the individuals selected under paragraph (1) of this section.
- (3) Review and revise the designations of emergency interim successors to the member's powers and duties to ensure that at all times there are at least 3 qualified emergency interim successors.

Section 12. Amend § 1705, Title 29 of the Delaware Code as follows:

§ 1705. Status, qualifications, and term of emergency interim successors.

(a) An emergency interim successor is an individual who is designated for possible temporary succession to the powers and duties, but not the office, of a member.

(b) An individual may not be designated or serve as an emergency interim successor unless the individual may, under the Delaware Constitution or other law of this State, hold the office of the member to whose powers and duties the individual is designated to succeed. However, no provision of the Delaware Constitution or other law of this State prohibiting a member from holding another office or prohibiting the holder of another office from being a member is applicable to an emergency interim successor.

(c) An emergency interim successor serves at the pleasure of the member designating the individual or of any subsequent incumbent of the legislative office.

Section 13. Amend § 1706, Title 29 of the Delaware Code as follows:

§ 1706. Contingent method of designating emergency interim successors.

(a) Before an emergency event, if a member fails to designate the required minimum number of emergency interim successors within 30 days of the member's taking of the oath of office, or, after such period, if for any reason the number of emergency interim successors for any member falls below the required minimum and remains below such minimum for a period of 30 days, then the required minimum number of emergency interim successors must be designated under the following procedures:

(1) The President Pro Tempore of the Senate shall designate as many emergency interim successors for the members of the majority party in the Senate as are required to achieve such minimum number.

(2) The Minority Leader of the Senate shall designate as many emergency interim successors for the members of the minority party in the Senate as are required to achieve such minimum number.

(3) The Speaker of the House of Representatives shall designate as many emergency interim successors for the members of the majority party in the House of Representatives as are required to achieve such minimum number.

(4) The Minority Leader of the House of Representatives shall designate as many emergency interim successors for the members of the minority party in the House of Representatives as are required to achieve such minimum number.

(b) The President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives may not assign to any of their designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by a member for succession to the member's own powers and duties.

(c)(1) Each emergency interim successor designated under subsection (a) of this section serves at the pleasure of the individual designating the successor.

(2) Notwithstanding paragraph (c)(1) of this section, the member for whom the emergency interim successor is designated may change the rank in order of succession, or replace at the member's pleasure, any emergency interim successor designated under subsection (a) of this section.

Section 14. Amend § 1707, Title 29 of the Delaware Code as follows:

§ 1707. Recording and publication.

(a) Following a member's election, the Secretary of the Senate or the Chief Clerk of the House of Representatives, whichever is appropriate, shall distribute to the member information regarding the member's responsibilities under this chapter and a form to make the designation under § 1704 of this title.

(b) The designation of an emergency interim successor becomes effective when the member making the designation under § 1704 or § 1706 of this title files with the Secretary of State and the Director of the General Assembly's Division of Research all of the following information:

(1) The successor's name.

(2) Contact information, including address, home and mobile phone number, and electronic mail address.

(3) Rank in order of succession.

(c) The removal of an emergency interim successor or change in order of succession becomes effective when the member so acting files this information with the Secretary of State and the Director of the General Assembly's Division of Research.

(d) The Secretary of State shall inform the Governor, the Delaware Emergency Management Agency, and all emergency interim successors of all such designations, removals, and changes in order of succession.

Section 15. Amend § 1708, Title 29 of the Delaware Code as follows:

§ 1708. Oath of emergency interim successors.

At the time of an individual's designation as a member's emergency interim successor, the individual shall take the oath required for the member to whose powers and duties the successor is designated to succeed. No other oath is required.

Section 16. Amend § 1709, Title 29 of the Delaware Code as follows:

§ 1709. Duty of emergency interim successors and members.

(a) Each emergency interim successor shall keep generally informed as to the duties, procedures, practices, and current business of the General Assembly.

(b) Each member shall assist the member's emergency interim successors to keep informed as required under subsection (a) of this section.

Section 17. Amend § 1710, Title 29 of the Delaware Code as follows:

§ 1710. Place of meeting of the General Assembly.

If in anticipation of, during, or after an emergency event, the Governor deems the place of session of the General Assembly then prescribed to be unsafe, the Governor may change it to any place within or without the State which the Governor deems safer and convenient.

Section 18. Amend § 1711, Title 29 of the Delaware Code as follows:

§ 1711. Convening of General Assembly in event of an emergency event.

(a) If an emergency event requiring action by the General Assembly occurs, the Governor shall call the General Assembly into session as soon as practicable or within 90 days following the inception of the emergency event, whichever occurs first.

(b) If the Governor fails to issue the call under subsection (a) of this section, the General Assembly shall, on the ninetieth day from the date of inception of the emergency event, automatically convene at the place where the Governor then has an office.

(c) Each member and each emergency interim successor, unless the emergency interim successor is certain that the member to whose powers and duties the emergency interim successor is designated to succeed or an emergency interim successor higher in order of succession is available, shall proceed to the place of holding the General Assembly as expeditiously as practicable.

(d) Limitations on the length of legislative session and the subjects that may be acted upon during legislative session that are contained in the Delaware Constitution do not apply to any legislative session convened

under this section, in session at the inception of the emergency event, or in session after the emergency event and during the application of this chapter.

Section 19. Amend § 1712, Title 29 of the Delaware Code as follows:

§ 1712. Assumption of powers and duties of member of emergency interim successor.

(a) If, in the event of an emergency event, a member is unavailable, the member's emergency interim successor highest in order of succession who is not unavailable shall exercise the powers and assume the duties of the member, except for the power and duty to appoint emergency interim successors under this chapter.

(b) An emergency interim successor shall exercise the powers and assume the duties under subsection (a) of this section until one of the following can act:

(1) The incumbent member.

(2) An emergency interim successor higher in order of succession.

(3) A member appointed or elected and legally qualified.

(c) Each House of the General Assembly shall, in accordance with its own rules, determine who is entitled under this chapter to exercise the powers and assume the duties of its members.

(d) All provisions of the Delaware Constitution and other laws of this State pertaining to the ouster of a member are applicable to an emergency interim successor who is exercising the powers and assuming the duties of a member.

Section 20. Amend § 1713, Title 29 of the Delaware Code as follows:

§ 1713. Privileges, immunities, and compensation of emergency interim successors.

(a) If an emergency interim successor exercises the powers and assumes the duties of a member, the successor must be accorded the privileges and immunities, compensation, allowances, and other perquisites of office to which a member is entitled.

(b) In the event of an emergency event, each emergency interim successor, whether or not called upon to exercise the powers and assume the duties of a member, must be accorded the privileges and immunities of a member while traveling to and from a place of session and must be compensated for such travel in the same manner and amount as a member.

(c) This section does not affect the privileges and immunities, compensation, allowances, or other perquisites of office of an incumbent member.

Section 21. Amend § 1714, Title 29 of the Delaware Code as follows:

§ 1714. Quorum and vote requirements.

In the event of an emergency event, all of the following apply:

(1) Quorum requirements for the General Assembly are suspended.

(2) If the affirmative vote of a specified proportion of members for approval of a bill, resolution, or other action would otherwise be required, the same proportion of those present to vote on the bill, resolution, or other action is sufficient.

Section 22. Amend § 1715, Title 29 of the Delaware Code as follows:

§ 1715. Termination of operation of this chapter.

(a) The following expires 2 years following the inception of an emergency event:

(1) The authority of emergency interim successors to succeed to the powers and duties of members under § 1712 of this title.

(2) The operation of this chapter relating to quorum and the number of affirmative votes required for General Assembly action under § 1714 of this title.

(3) Limitations on the length of sessions and the subjects which may be acted upon under § 1711(d) of this section.

(b) Notwithstanding subsection (a) of this section, nothing in this chapter prevents the resumption before the time limit under subsection (a) of this section of the filling of legislative vacancies in the General Assembly and the calling of elections for the General Assembly in accordance with applicable provisions of the Delaware Constitution or other law of this State.

(c) The Governor, acting by proclamation, or the General Assembly, acting by concurrent resolution, may extend or restore the operation of this chapter upon a finding that the emergency event or its effects render the extension or restoration necessary. An extension or restoration under this subsection may not be established for a period of more than 1 year.

Section 23. Amend § 7701, Title 29 of the Delaware Code as follows:

§ 7701. Proclamation of emergency temporary location of the seat of government.

(a) For purposes of this subchapter:

(1) "Attack" means any action or series of actions causing, or which may cause, substantial damage or injury to persons or property by any means, including through biological, chemical, radiological, or nuclear means or through the use of other weapons, technologies, or processes.

(3) "Emergency event" means an impending or existing attack, act of terrorism, disease, accident, or other natural or man-made disaster that does one or more of the following:

a. Threatens the life, health, or safety of the public.

b. Has, or has the potential to, damage or destroy property or disrupt service, commerce, or other economic activities.

c. Makes the continuation of normal government operations difficult or impossible.

(b) If the Governor determines that, due to the effects of an emergency event, or the anticipated effects of a threatened, perceived, or imminent emergency event, it is imprudent, inexpedient, or impossible to conduct the affairs of state government in Dover, the Governor shall, by proclamation, do all of the following:

(1) Declare an emergency temporary location of the seat of government.

(2) Take any action or issue any order as may be necessary for an orderly transition of the affairs of state government to such emergency temporary location.

(c) The emergency temporary location remains as the seat of government until one of the following occurs:

(1) The General Assembly, by law, establishes a new location.

(2) The Governor, by proclamation, determines that the affairs of state government may be conducted in Dover and returns the seat of government to Dover.

Section 24. Amend § 7702, Title 29 of the Delaware Code as follows:

§ 7702. Legality of acts.

While the seat of government remains at the emergency temporary location established under § 7701(b) of this title, all official acts that are required by law to be performed in Dover by any officer, agency, department, or authority of this State, including the convening and meeting of the General Assembly in regular, extraordinary, or emergency session, are as valid and binding when performed at such emergency temporary location as if performed in Dover.

Section 25. Amend § 7703, Title 29 of the Delaware Code as follows:

§ 7703. Conflict with other laws.

Notwithstanding any other law to the contrary or in conflict with this subchapter, this subchapter controls and is supreme if it is employed as provided in this subchapter.

Section 26. Amend § 7721, Title 29 of the Delaware Code as follows:

§ 7721. Purpose; establishment of new location.

(a) For purposes of this subchapter:

(1) "Attack" means any action or series of actions causing, or which may cause, substantial damage or injury to persons or property by any means, including through biological, chemical, radiological, or nuclear means or through the use of other weapons, technologies, or processes.

(2) "Emergency event" means an impending or existing attack, act of terrorism, disease, accident, or other natural or man-made disaster that does one or more of the following:

a. Threatens the life, health, or safety of the public.

b. Has, or has the potential to, damage or destroy property or disrupt service, commerce, or other economic activities.

c. Makes the continuation of normal government operations difficult or impossible.

(3) "Political subdivision of this State" or "political subdivision" means a county or municipality of this State.

(b) If the presiding officer or 2 members of a governing body of a political subdivision of this State determines that, due to the effects of an emergency event, or the anticipated effects of a threatened, perceived, or imminent emergency event, it is imprudent, inexpedient, or impossible to conduct the political subdivision's affairs at the regular or usual place, the political subdivision's governing body may meet at any place within or without the territorial limits of such political subdivision and do all of the following:

(1) Designate by ordinance, resolution, or other manner, an emergency temporary location of the political subdivision's government where all, or any part, of the public business may be transacted and conducted during the emergency. The location designated may be within or without the territorial limits of the political subdivision and may be within or without this State.

(2) Take any action or enact any ordinance, resolution, or other measure as may be necessary for an orderly transition of the affairs of the political subdivision's government to such emergency temporary location.

Section 27. Amend § 7722, Title 29 of the Delaware Code as follows:

§ 7722. Legality of acts.

While the political subdivision's public business is being conducted at the emergency temporary location established under § 7721(b) of this section, the governing body and other officers of political subdivision shall have and possess and shall exercise, at such location, all of the executive, legislative, and judicial powers and functions conferred upon the governing body and officers by or under the laws of this State.

(1) All acts of the political subdivision's governing body and its officers are as valid and binding as if performed within the territorial limits of the political subdivision.

(2) The political subdivision's powers and functions may be exercised in the light of the exigencies of the emergency situation, without regard to or compliance with time consuming procedures and formalities ordinarily prescribed by law and pertaining to the political subdivision.

Section 28. Amend § 7723, Title 29 of the Delaware Code as follows:

§ 7723. Conflict with other laws.

Notwithstanding any law of this State, municipal charter, or ordinance of a political subdivision of this State to the contrary or in conflict with this subchapter, this subchapter controls and is supreme if it is employed as provided in this subchapter.

Section 29. Amend § 7801, Title 29 of the Delaware Code as follows:

§ 7801. Short title.

This chapter is known and may be cited as the "Emergency Interim Executive Succession Act."

Section 30. Amend § 7802, Title 29 of the Delaware Code as follows:

§ 7802. Statement of policy.

The General Assembly finds and declares that in the event of an emergency event, it is necessary to provide for emergency interim succession to governmental offices of this State, and its political subdivisions, if the incumbents of these offices or the deputies of these incumbents are unavailable to perform the duties and functions of these offices. The General Assembly further finds and declares that this emergency interim succession process is intended to do all of the following:

(1) Assure continuity of government through legally constituted leadership, authority, and responsibility in offices of the government of the State and its political subdivisions.

(2) Provide for the effective operation of governments during an emergency.

(3) Facilitate the early resumption of functions temporarily suspended.

Section 31. Amend § 7803, Title 29 of the Delaware Code as follows:

§ 7803. Definitions.

As used in this chapter:

(1) "Attack" means any action or series of actions causing, or which may cause, substantial damage or injury to persons or property by any means, including through biological, chemical, radiological, or nuclear means or through the use of other weapons, technologies, or processes.

(2) "Deputy" means an assistant or other subordinate officer who is authorized by law to exercise the powers and discharge the duties of a state or political subdivision office.

(3) "Emergency event" means an impending or existing attack, act of terrorism, disease, accident, or other natural or man-made disaster that does one or more of the following:

a. Threatens the life, health, or safety of the public.

b. Has, or has the potential to, damage or destroy property or disrupt service, commerce, or other economic activities.

c. Makes the continuation of normal government operations difficult or impossible.

(4) "Emergency interim successor" means an individual designated under this chapter to exercise the powers and discharge the duties of an office held by another individual who is unavailable until a successor is appointed or elected and qualified as may be provided by the Delaware Constitution, statutes, charters, or ordinances or until the other individual who is unavailable is able to resume the exercise of the powers and discharge the duties of the office.

(5) "Office" includes all state and political subdivision offices, the powers and duties of which are defined by the Delaware Constitution, statutes, charters, or ordinances. "Office" does not include the Office of Governor and members of the General Assembly and the Judiciary.

(6) "Political subdivision" includes counties, municipalities, districts, authorities, and other public corporations and entities whether organized and existing under a charter or general law.

(7) "Unavailable" means either that a vacancy in an office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and the lawful incumbent's duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

Section 32. Amend § 7804, Title 29 of the Delaware Code as follows:

§ 7804 Emergency interim successors for state officers.

(a) All state officers shall do all of the following:

(1) Designate not less than 3 nor more than 7 emergency interim successors to the officer's powers and duties. The emergency interim successors under this paragraph (a)(1) of this section are in addition to the officer's deputy.

(2) Specify the order of succession of the individuals selected under paragraph (a)(1) of this section.

(3) Review and revise the designations of emergency interim successors made under this chapter to ensure that at all times there are at least 3 qualified emergency interim successors.

(b) The power granted to state officers under subsection (a) of this section is subject to such regulations as the Governor or other official authorized under the Delaware Constitution to exercise the powers and discharge the duties of the office of Governor may issue.

(c) A state officer's designated emergency interim successor shall exercise the powers and discharge the duties of the officer's office if all of the following apply:

- (1) The officer is unavailable following an emergency event.
- (2) The officer's deputy is unavailable following an emergency event.

(d) An emergency interim successor shall exercise the powers and discharge the duties of a state officer's office until one of the following occurs:

(1) The Governor under the Delaware Constitution or authority other than this chapter, or other official authorized under the Delaware Constitution to exercise the powers and discharge the duties of the office of Governor, where a vacancy exists, appoint a successor to fill the vacancy.

(2) A successor is otherwise appointed or elected and qualified as provided by law.

(3) An officer or the officer's deputy or a preceding named emergency interim successor becomes available to exercise or resume the exercise of the powers and discharge the duties of the office.

Section 33. Amend § 7805, Title 29 of the Delaware Code as follows:

§ 7805. Enabling authority for emergency interim successors for certain political subdivision offices.

(a) With respect to municipal and county offices for which the legislative bodies of municipalities and counties may enact resolutions or ordinances relative to the manner in which vacancies are to be filled or temporary appointments to office made, such legislative bodies are authorized to enact resolutions or ordinances providing for emergency interim successors to municipal and county offices.

(b) A resolution or ordinance adopted under this section may not be inconsistent with this chapter.

Section 34. Amend § 7806, Title 29 of the Delaware Code as follows:

§ 7806. Emergency interim successors for certain political subdivision officers.

(a) This section applies to officers of political subdivisions not included in § 7805 of this title.

(b) All officers governed by this section shall do all of the following:

(1) Designate by title not less than 3 nor more than 7 emergency interim successors to the officer's powers and duties. The emergency interim successors under this paragraph (b)(1) of this section are in addition to the officer's deputy.

(2) Specify the order of succession of the individuals selected under paragraph (b)(1) of this section.

(3) Review and revise the designations of emergency interim successors made under this chapter to ensure that at all times there are at least 3 qualified emergency interim successors.

(b) The power granted to officers governed by this section under subsection (b) of this section is subject to such regulations as the chief executive officer of the political subdivision may issue.

(c) An emergency interim successor of an officer governed by this section shall exercise the powers and discharge the duties of the officer's office if all of the following apply:

(1) The officer is unavailable following an emergency event.

(2) The officer's deputy is unavailable following an emergency event.

(d) An emergency interim successor of an officer governed by this section shall exercise the powers and discharge the duties of the office until 1 of the following occurs:

(1) If a vacancy exists, it is filled in accordance with the Delaware Constitution or other law of this State.

(2) An officer or the officer's deputy or a preceding emergency interim successor becomes available to exercise the powers and discharge the duties of the office.

Section 35. Amend § 7807, Title 29 of the Delaware Code as follows:

§ 7807. Formalities of taking office.

(a) At the time of an individual's designation as an emergency interim successor, the individual shall take such oath as may be required for the individual to exercise the powers and discharge the duties of the office to which the individual may succeed.

(b) Notwithstanding any other law, no individual, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which the individual succeeds, is required to comply with any other law relative to taking office.

Section 36. Amend § 7808, Title 29 of the Delaware Code as follows:

§ 7808. Period in which authority may be exercised.

(a) An individual authorized to act as an emergency interim successor may exercise the powers and discharge the duties of an office as authorized by this chapter only after an emergency event has occurred.

(b) The General Assembly may, by concurrent resolution, terminate the authority of emergency interim successors to exercise the powers and discharge the duties of office as provided in this chapter.

Section 37. Amend § 7809, Title 29 of the Delaware Code as follows:

§ 7809. Removal of designees.

Until an individual who is designated as an emergency interim successor is authorized to exercise the powers and discharge the duties of an office, the individual serves at the pleasure of the designating authority and may be removed or replaced by the designating authority at any time, with or without cause.

Section 38. Amend § 7810, Title 29 of the Delaware Code as follows:

§ 7810. Disputes.

The Governor or other official authorized under the Delaware Constitution to exercise the powers and discharge the duties of the office of Governor shall settle any dispute concerning a question of fact arising under this chapter with respect to an office in the executive branch of the government. The Governor's decision is final.

Approved October 1, 2018