



SPONSOR: Rep. Baumbach

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
SENATE BILL NO. 26

AMEND Senate Bill No. 26 by deleting lines 1 through 52 in their entirety and inserting in lieu thereof the following:

“Amend Part V, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 90B. Livestreaming Board of Trustees Meetings of Public Institutions of Higher Education.

§ 9001B. Board of Trustees meetings; livestreaming requirements.

(a) For purposes of this section, “full Board of Trustees” means the full Board of Trustees for each of the following:

(1) University of Delaware, under § 5107 of this title.

(2) Delaware State University, under § 6505 of this title.

(3) Delaware Technical and Community College, under § 9105 of this title.

(b) Meetings of a full Board of Trustees must be available over the internet by livestream broadcast that meets all of the following:

(1) Streams audio and video of the meeting.

(2) Permits the public to hear all participants contemporaneously.

(c) A recording of a meeting livestreamed under subsection (b) of this section must be posted on a public website within a reasonable time after the meeting concludes and must remain on the website for at least 1 year.

(d) Notice of a full Board of Trustees meeting must include information on how the public can access the livestream broadcast of the meeting and a recording of the meeting.

(e)(1) A technological failure that prevents, or a technological limitation that limits, public access otherwise required under paragraphs (b)(1) and (b)(2) of this section does not invalidate a meeting or an action taken at a meeting.

(2) Subsections (b) and (c) of this section do not require the livestreaming or recording of the portion of a full Board of Trustees meeting that is in an executive session under § 10004 of Title 29.”.

SYNOPSIS

Senate Bill No. 26 requires that meetings of the Board of Trustees for the University of Delaware, Delaware State University, and Delaware Technical and Community College must be livestreamed using technology that permits the public to hear all participants contemporaneously and requires that recordings of the livestreamed meetings must be maintained on a public website. This Amendment reorganizes these requirements into a single, new section of the Code, but does not make any substantive changes.

This Act still requires a greater than majority vote for passage because the Court of Chancery has held that a valid general act of the General Assembly requires the affirmative vote of two-thirds of the members to implicitly change a charter under § 1 of Article IX of the Delaware Constitution.