



SPONSOR: Rep. Baumbach & Rep. Collins & Sen. Hansen &
Sen. Pettyjohn
Reps. Briggs King, Morrison, Michael Smith, Wilson-
Anton, Yearick; Sens. Lopez, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 293

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC COMMENT AT OPEN MEETINGS.

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

1 Section 1. Amend § 10004, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 10004. Open meetings.

4 (a)(1) Every meeting of all public bodies shall be open to the public except ~~those closed pursuant to when closed~~
5 under subsections (b), (c), ~~(d)~~ (d), and (h) of this section.

6 (2) A meeting that is open to the public under paragraph (a)(1) of this section must include time for public
7 comment, unless the meeting is of a public body within the General Assembly which is governed by the rules of
8 proceedings adopted under § 9 of Art. II of the Delaware Constitution.

9 (d) This section ~~shall~~ does not prohibit ~~the~~ any of the following:

10 (1) The removal of any person from a public meeting who is wilfully and seriously disruptive of the conduct
11 of such meeting.

12 (2) Limiting public comment that is irrelevant, immaterial, insubstantial, cumulative, or privileged.

13 (3) Limiting time for public comment if the limit is applied uniformly to everyone providing, or requesting the
14 opportunity to provide, comment.

SYNOPSIS

This Act requires that meetings of public bodies that are open to the public must provide an opportunity for public comment. The time for public comment may be limited if the limit is applied uniformly and public comment may be limited if it is irrelevant, immaterial, insubstantial, cumulative, or privileged.

Meetings of a public body of the General Assembly are excluded from the requirement to provide an opportunity for public comment because under § 9 of Art. II of the Delaware Constitution, the rules of proceedings for legislative meetings are established by the Senate and House of Representatives of each General Assembly.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.