



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

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
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 (Two-thirds of all members elected to each house thereof concurring therein):

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 a. The time for public comment must provide a meaningful opportunity for the public to engage with the  
10 public body.

11 b. A public body may impose reasonable time, place, and manner restrictions on the length of the public  
12 comment period and the amount of time allotted for each public comment.

SYNOPSIS

House Bill No. 293 requires that meetings of public bodies that are open to the public must provide an opportunity for public comment. 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.

House Substitute No. 1 for House Bill No. 293 differs from House Bill No. 293 by revising the limitations a public body may impose on public comment as follows:

1. It requires that the time for public comment provide a meaningful opportunity for the public to engage with the public body.

2. Allows a public body to impose reasonable time, place, and manner restrictions on the length of the public comment period and the amount of time allotted for each person providing public comment.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual and requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a charter issued to a municipal corporation.