



SPONSOR: Sen. Sokola & Rep. Baumbach
Sens. Bonini, Brown, Ennis, Gay, Hansen, Hocker,
Lawson, Lockman, Lopez, Mantzavinos, S. McBride,
Paradee, Pettyjohn, Pinkney, Poore, Richardson,
Sturgeon, Townsend, Walsh, Wilson; Reps. Bennett,
Brady, Briggs King

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 26

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIVESTREAMING BOARD MEETINGS OF THE UNIVERSITY OF DELAWARE, DELAWARE STATE UNIVERSITY, AND DELAWARE TECHNICAL AND COMMUNITY COLLEGE.

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 § 5107, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5107. Board of Trustees — Meetings.

(b)(1) The Secretary of the Board shall give 2 ~~weeks'~~ weeks written notice of all ~~meetings, and meetings. A~~ meeting notice must include information on how the public can access a livestream and a recording of the meeting under subsection (c) of this section.

(2) For an occasional meeting, the time, ~~place~~ place, and purpose of ~~occasional meetings shall the meeting~~ must also be stated in the notice thereof, and the notice. The proceedings of such meetings shall be an occasional meeting must be confined strictly to the purpose ~~stated therein.~~ stated in the meeting notice.

(c) Meetings of the Board of Trustees must meet all of the following:

(1) Be livestreamed. A livestreamed meeting must do all of the following:

a. Stream audio and video of the meeting.

b. Permit the public to hear all participants contemporaneously.

(2) Be recorded. A recording of the livestreamed meeting 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)(1) A technological failure that prevents, or a technological limitation that limits, public access otherwise required under subsection (c) of this section does not invalidate a meeting or an action taken at a meeting.

(2) Subsection (c) of this section does not apply to an executive session under § 10004 of Title 29.

Section 2. Amend § 6505, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6505. Board of Trustees — Powers; meetings; quorum; bylaws.

(a) The Board of Trustees shall have the superintendence of the University, with power to appoint and remove the faculty and other officers and agents of the University and of its own body; to fill vacancies and to make bylaws as well for the government of the University as its own government; and to conduct all the concerns of the institution. A majority of all those members appointed by the Governor and those members elected by the Board shall constitute a quorum.

(b) Meetings of the Board ~~shall~~ must be held as the bylaws ~~prescribe~~ prescribe and must meet all of the following:

(1) Be livestreamed. A livestreamed meeting must do all of the following:

a. Stream audio and video of the meeting.

b. Permit the public to hear all participants contemporaneously.

(2) Be recorded. A recording of the livestreamed meeting 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.

(3) Include in the notice of the Board meeting, information on how the public can access a livestream and a recording of the meeting.

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

(2) Paragraphs (b)(1) through (b)(3) of this section do not apply to an executive session under § 10004 of Title 29.

Section 3. Amend § 9105, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9105. Powers and duties of Board.

(e) Board meetings must meet all of the following:

(1) Be livestreamed. A livestreamed meeting must do all of the following:

a. Stream audio and video of the meeting.

b. Permit the public to hear all participants contemporaneously.

(2) Be recorded. A recording of the livestreamed meeting 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.

(3) Include in the notice of the Board meeting, information on how the public can access a livestream and a recording of the meeting.

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

51 (2) Paragraphs (e)(1) through (e)(3) of this section do not apply to an executive session under § 10004 of Title

52 29.

53 Section 4. This Act takes effect January 1, 2022.

SYNOPSIS

This Act 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. This Act also requires that recordings of the livestreamed meetings must be maintained on a public website.

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

This Act 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 corporation for educational purposes sustained in whole or part by the State, including the University of Delaware and Delaware State University.

Author: Senator Sokola