



SPONSOR: Rep. Kowalko & Sen. Sokola
Reps. J. Johnson, Keeley, Lynn, K. Williams

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 42

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

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

1 Section 1. Amend § 10002(i), Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 10002 Definitions [Effective July 1, 2015]

4 (i) "Public body," "public record" and "meeting" shall ~~not~~ include activities of the University of Delaware and
5 Delaware State University, ~~except that~~ including the Board of Trustees of both universities shall be "public bodies,"
6 ~~university documents relating to the expenditure of public funds shall be "public records," and each meeting of the full~~
7 ~~Board of Trustees of either institution shall be a "meeting."~~ Additionally, ~~any university request for proposal, request~~
8 ~~for quotation, or other such document soliciting competitive bids for any contract, agreement, capital improvement,~~
9 ~~capital acquisition or other expenditure proposed to involve any amount or percentage of public funds by or on behalf~~
10 ~~of the university shall indicate on the request for proposal or other such document that it relates to the expenditure of~~
11 ~~public funds.~~

12 Section 2. This Act shall take effect July 1, 2015.

SYNOPSIS

Currently FOIA applies to their Boards of Trustees and their documents relating to the expenditure of public funds. Also under current law, as of July 1, 2015, the universities will have to indicate on any request for proposal or other competitive bidding solicitation when it relates to the proposed use of public funds, regardless of amount or percentage. This Act removes the exemption from the Freedom of Information Act (FOIA) and thus fully applies FOIA to the University of Delaware and Delaware State University, including the Board of Trustees.