

CHAPTER 211
FORMERLY
SENATE BILL NO. 104

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT TO PERMIT VIDEO-CONFERENCING IN CERTAIN CIRCUMSTANCES.

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

Section 1. Amend §10002 of Title 29 of the Delaware Code by adding a new paragraph (h) as follows:

“§10002(h) ‘Video-conferencing’ means any system permitting interaction among all participants in two or more noticed public locations in compliance with Section 10006 of this Chapter.”.

Section 2. Further Amend §10002 of Title 29 of the Delaware Code by inserting at the end of the current paragraph (b) the words “either in person or by video-conferencing.”.

Section 3. Amend §10004(e)(2) of Title 29 of the Delaware Code by inserting in the second sentence the phrase ", including whether such meeting will be conducted by video-conferencing" after "meetings" and before "; however,".

Section 4. Amend Chapter 100 of Title 29 of the Delaware Code by adding a new paragraph designated §10006 as follows:

"§10006 Video-conferencing participation in open meetings.

Unless otherwise prohibited by law, any public body subject to the provisions of this chapter, except for any public body in which members are elected by the public to serve on the public body, may conduct a meeting by means of video-conferencing, provided each attending member's participation occurs at a noticed public location where members of the public may also attend the meeting. The participation of a member of such public body by video-conferencing in compliance with this section shall be deemed attendance for all purposes, including purposes of establishing a quorum. When video conferencing is used, at least one of the noticed public locations shall be within the geographic jurisdiction of that public body. Meetings may otherwise be noticed for multiple public locations within the state where video-conferencing is available. During meetings where video-conferencing is used, each member must be identified, all participants shall be able to communicate with each other at the same time, and members of the public attending at the noticed public location(s) of the meeting must be able to hear and view the communication among all members of the public body participating by video-conference. Video-conferencing participation is not permitted when a verbatim transcript of the meeting may be required by law, except for public hearings on proposed rules and regulations, or where the chair or presiding officer determines that physical attendance is required at a single location.”.

Approved September 17, 2009