

Chapter 203

(Senate Bill 363)

AN ACT concerning

**State Government – Open Meetings – Requirements and Application of Open Meetings Act
(Maryland State Agency Transparency Act)**

FOR the purpose of ~~providing that the Maryland Technology Development Corporation is subject to the Open Meetings Act;~~ requiring certain State agencies to make publicly available on their websites open meeting agendas a certain amount of time in advance of each meeting or, under certain circumstances, as far in advance of the meeting as practicable; requiring certain State agencies to post on their websites certain meeting minutes not more than a certain number of days after the minutes are approved; requiring certain State agencies to make publicly available live video streaming of each portion of a certain meeting; requiring certain State agencies to maintain certain meeting minutes and recordings on their websites for a certain number of years after certain meetings; requiring the Maryland Stadium Authority, under certain circumstances, to make publicly available live audio streaming of each portion of a certain meeting; altering the requirements regarding minutes of and the posting of information regarding meetings of the State Board of Elections; requiring the Department of Information Technology to provide certain staff, support, and equipment to the Maryland Transportation Authority; making conforming and technical changes; and generally relating to open meetings of State agencies.

BY repealing and reenacting, without amendments,
 Article – Economic Development
 Section ~~10-402(a) and 10-604(a)~~
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Economic Development
 Section ~~10-407(a) and 10-607(a)~~
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

~~BY adding to
 Article – Economic Development
 Section 10-407(f)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, without amendments,
 Article – Election Law

Section 2–101(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–102(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–305(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–305(e)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 2–101(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 2–108(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–201
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – Transportation
Section 4–211
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Economic Development

~~10-402.~~

~~(a) There is a Maryland Technology Development Corporation.~~

~~10-407.~~

~~(a) Except as provided in [subsections (b), (c), and (e)] SUBSECTION (E) of this section, the Corporation is exempt from [:~~

~~(1)] Title 10 and Division II of the State Finance and Procurement Article [;~~
and

~~(2) §§ 3-301 and 3-303 of the General Provisions Article].~~

~~(F) (1) THE CORPORATION IS SUBJECT TO THE OPEN MEETINGS ACT.~~

~~(2) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:~~

~~(I) EACH OPEN MEETING AGENDA:~~

~~1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;~~

~~OR~~

~~2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND~~

~~(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; AND~~

~~(3) (III) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.~~

~~(3) THE CORPORATION SHALL MAINTAIN ON ITS WEBSITE:~~

~~(1) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND~~

~~(II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.~~

10-604.

- (a) There is a Maryland Stadium Authority.

10-607.

- (a) (1) The Authority shall determine the times and places of its meetings.

(2) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

(I) EACH OPEN MEETING AGENDA:

- 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

OR

- 2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; ~~AND~~

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; AND

~~(3) (I) (III) EXCEPT EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) PARAGRAPH (3) OF THIS PARAGRAPH, THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE SUBSECTION, LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.~~

~~(II) (3)~~ IF THE AUTHORITY MEETS BY TELEPHONE CONFERENCE, THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE LIVE AUDIO STREAMING OF EACH PORTION OF THE MEETING THAT IS HELD IN OPEN SESSION.

(4) THE AUTHORITY SHALL MAINTAIN ON ITS WEBSITE:

(I) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING;

(II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING; AND

(III) A COMPLETE AND UNEDITED ARCHIVED AUDIO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE AUDIO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (3) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

Article – Election Law

2–101.

(a) There is a State Board of Elections consisting of five members.

2–102.

(d) [(1) The State Board shall prepare written minutes of each meeting of the State Board as soon as practicable after the meeting.

(2) The State Board, in consultation with the Department of Information Technology, shall make publicly available on the Internet:

(i) each meeting agenda, made available at least 24 hours in advance of each meeting;

(ii) live video streaming of each open meeting of the State Board; and

(iii) a complete, unedited archived video recording of each open meeting for a minimum of 4 years after the date of the meeting.]

(1) THE STATE BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

(I) EACH OPEN MEETING AGENDA:

1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; ~~AND~~

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; AND

~~(2) (III) THE STATE BOARD SHALL MAKE PUBLICLY AVAILABLE~~ LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(2) THE STATE BOARD SHALL MAINTAIN ON ITS WEBSITE:

(I) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH ~~(2)~~ (1)(II) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

(II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH ~~(2)~~ (1)(III) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

(3) The Department of Information Technology shall provide to the State Board the technical staff, support, and equipment necessary to stream live video of the open meetings of the State Board.

Article – Public Safety

1–305.

(a) There is an Emergency Number Systems Board in the Department of Public Safety and Correctional Services.

(e) (1) The Board shall meet as necessary, but at least once each quarter.

(2) **THE BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:**

(I) **EACH OPEN MEETING AGENDA:**

1. **AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;**

OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; ~~AND~~

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; ~~AND~~

~~(3) (III) THE BOARD SHALL MAKE PUBLICLY AVAILABLE~~ LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(3) THE BOARD SHALL MAINTAIN ON ITS WEBSITE:

(I) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

(II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

Article – Public Utilities

2–101.

(a) There is a Public Service Commission.

2–108.

(b) **(1)** The Commission shall meet at the times and places in the State as the Commission considers necessary.

(2) THE COMMISSION SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

(I) EACH OPEN MEETING AGENDA:

1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; ~~AND~~

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; AND

~~(3) (III) THE COMMISSION SHALL MAKE PUBLICLY AVAILABLE~~ LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(3) THE COMMISSION SHALL MAINTAIN ON ITS WEBSITE:

(I) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

(II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

Article – Transportation

4-201.

There is a Maryland Transportation Authority.

4-211.

(A) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

(1) EACH OPEN MEETING AGENDA:

(I) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

(II) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; ~~AND~~

(2) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; AND

~~(B) (3) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE LIVE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION OPEN MEETING OF THE AUTHORITY THAT IS HELD AT:~~

~~(I) THE HEADQUARTERS OF THE AUTHORITY; OR~~

~~(II) ANY OTHER LOCATION WHERE THE AUTHORITY HELD AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND~~

~~(4) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER ITEM (3) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING.~~

~~(B) THE AUTHORITY SHALL MAINTAIN ON ITS WEBSITE:~~

~~(1) MEETING MINUTES MADE AVAILABLE UNDER SUBSECTION (A) OF THIS SECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND~~

~~(2) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER SUBSECTION (A) OF THIS SECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.~~

~~(B) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE TO THE AUTHORITY THE TECHNICAL STAFF, SUPPORT, AND EQUIPMENT NECESSARY TO LIVESTREAM THE OPEN MEETINGS OF THE AUTHORITY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.