

# HOUSE BILL 413

P3

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By: **Delegates Carr and Cullison**

Introduced and read first time: January 29, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Minutes – Video and Audio Streaming**

3 FOR the purpose of altering the circumstances under which a public body need not prepare  
4 written minutes of an open session under the Open Meetings Act; and generally  
5 relating to minutes under the Open Meetings Act.

6 BY repealing and reenacting, with amendments,  
7 Article – General Provisions  
8 Section 3–306  
9 Annotated Code of Maryland  
10 (2014 Volume and 2015 Supplement)

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

13 **Article – General Provisions**

14 3–306.

15 (a) This section does not:

16 (1) require any change in the form or content of the Journal of the Senate  
17 of Maryland or Journal of the House of Delegates of Maryland; or

18 (2) limit the matters that a public body may include in its minutes.

19 (b) (1) Subject to paragraphs (2) and (3) of this subsection, as soon as  
20 practicable after a public body meets, it shall have written minutes of its session prepared.

21 (2) A public body need not prepare written minutes of an open session if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) 1. live and archived video [or audio] streaming of the open  
2 session is available; [or]

3 2. THE LIVE AND ARCHIVED VIDEO STREAMING IS  
4 CLOSED-CAPTIONED OR A WRITTEN TRANSCRIPT OF THE VIDEO STREAMING IS  
5 AVAILABLE ON REQUEST; AND

6 3. AN ELECTRONIC INDEX THAT ALLOWS AN INDIVIDUAL  
7 TO NAVIGATE DIRECTLY TO THE RELEVANT AGENDA ITEM OR PORTION OF THE  
8 MEETING ACCOMPANIES THE ARCHIVED VIDEO STREAMING; OR

9 (ii) the public body votes on legislation and the individual votes  
10 taken by each member of the public body who participates in the voting are posted promptly  
11 on the Internet.

12 (3) The information specified under paragraph (2) of this subsection shall  
13 be deemed the minutes of the open session.

14 (c) (1) The written minutes shall reflect:

15 (i) each item that the public body considered;

16 (ii) the action that the public body took on each item; and

17 (iii) each vote that was recorded.

18 (2) If a public body meets in closed session, the written minutes for its next  
19 open session shall include:

20 (i) a statement of the time, place, and purpose of the closed session;

21 (ii) a record of the vote of each member as to closing the session;

22 (iii) a citation of the authority under § 3-305 of this subtitle for  
23 closing the session; and

24 (iv) a listing of the topics of discussion, persons present, and each  
25 action taken during the session.

26 (3) (i) A session may be tape recorded by a public body.

27 (ii) Except as otherwise provided in paragraph (4) of this subsection,  
28 the written minutes and any tape recording of a closed session shall be sealed and may not  
29 be open to public inspection.

1                   (4)     The written minutes and any tape recording shall be unsealed and open  
2 to inspection as follows:

3                           (i)     for a meeting closed under § 3–305(b)(5) of this subtitle, when the  
4 public body invests the funds;

5                           (ii)    for a meeting closed under § 3–305(b)(6) of this subtitle, when the  
6 public securities being discussed have been marketed; or

7                           (iii)  on request of a person or on the public body’s own initiative, if a  
8 majority of the members of the public body present and voting vote in favor of unsealing  
9 the written minutes and any tape recording.

10           (d)     Except as provided in subsection (c) of this section, written minutes of a public  
11 body are public records and shall be open to public inspection during ordinary business  
12 hours.

13           (e)     A public body shall keep a copy of the written minutes of each session and any  
14 tape recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at least 1 year  
15 after the date of the session.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2016.