

SENATE BILL 363

P1

(0lr0717)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senators Kagan, Beidle, Benson, Carter, Cassilly, Eckardt, Elfreth, Ellis, Feldman, Hester, Hough, Jennings, Lam, Lee, McCray, Miller, Patterson, Pinsky, Ready, Reilly, Smith, Washington, West, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

5 FOR the purpose of ~~providing that the Maryland Technology Development Corporation is~~
6 ~~subject to the Open Meetings Act,~~ requiring certain State agencies to make publicly
7 available on their websites open meeting agendas a certain amount of time in
8 advance of each meeting or, under certain circumstances, as far in advance of the
9 meeting as practicable; requiring certain State agencies to post on their websites
10 certain meeting minutes not more than a certain number of days after the minutes
11 are approved; requiring certain State agencies to make publicly available live video
12 streaming of each portion of a certain meeting; requiring certain State agencies to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 maintain certain meeting minutes and recordings on their websites for a certain
2 number of years after certain meetings; requiring the Maryland Stadium Authority,
3 under certain circumstances, to make publicly available live audio streaming of each
4 portion of a certain meeting; altering the requirements regarding minutes of and the
5 posting of information regarding meetings of the State Board of Elections; *requiring*
6 *the Department of Information Technology to provide certain staff, support, and*
7 *equipment to the Maryland Transportation Authority;* making conforming and
8 technical changes; and generally relating to open meetings of State agencies.

9 BY repealing and reenacting, without amendments,
10 Article – Economic Development
11 Section ~~10-402(a)~~ and 10-604(a)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Economic Development
16 Section ~~10-407(a)~~ and 10-607(a)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

19 ~~BY adding to~~
20 ~~Article – Economic Development~~
21 ~~Section 10-407(f)~~
22 ~~Annotated Code of Maryland~~
23 ~~(2018 Replacement Volume and 2019 Supplement)~~

24 BY repealing and reenacting, without amendments,
25 Article – Election Law
26 Section 2-101(a)
27 Annotated Code of Maryland
28 (2017 Replacement Volume and 2019 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – Election Law
31 Section 2-102(d)
32 Annotated Code of Maryland
33 (2017 Replacement Volume and 2019 Supplement)

34 BY repealing and reenacting, without amendments,
35 Article – Public Safety
36 Section 1-305(a)
37 Annotated Code of Maryland
38 (2018 Replacement Volume and 2019 Supplement)

39 BY repealing and reenacting, with amendments,
40 Article – Public Safety

1 Section 1–305(e)
 2 Annotated Code of Maryland
 3 (2018 Replacement Volume and 2019 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article – Public Utilities
 6 Section 2–101(a)
 7 Annotated Code of Maryland
 8 (2010 Replacement Volume and 2019 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article – Public Utilities
 11 Section 2–108(b)
 12 Annotated Code of Maryland
 13 (2010 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,
 15 Article – Transportation
 16 Section 4–201
 17 Annotated Code of Maryland
 18 (2015 Replacement Volume and 2019 Supplement)

19 BY adding to
 20 Article – Transportation
 21 Section 4–211
 22 Annotated Code of Maryland
 23 (2015 Replacement Volume and 2019 Supplement)

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

26 **Article – Economic Development**

27 ~~10–402.~~

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

29 ~~10–407.~~

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

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

34 ~~(2) §§ 3–301 and 3–303 of the General Provisions Article[;~~

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

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

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

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

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

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

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

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

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

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

24 10-604.

25 (a) There is a Maryland Stadium Authority.

26 10-607.

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

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

1 (I) EACH OPEN MEETING AGENDA:

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

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

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

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

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

18 (4) THE AUTHORITY SHALL MAINTAIN ON ITS WEBSITE:

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

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

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

30 Article – Election Law

31 2–101.

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

1 2-102.

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

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

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

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

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

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

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

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

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

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

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

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

26 **(I) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH
27 ~~(2)~~ (1)(II) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF
28 THE MEETING; AND**

29 **(II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING
30 OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE**

1 UNDER PARAGRAPH ~~(2)~~ (1)(III) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR
 2 AFTER THE DATE OF THE MEETING.

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

6 Article – Public Safety

7 1–305.

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

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

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

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

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

14 **OR**

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

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

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

23 (3) **THE BOARD SHALL MAINTAIN ON ITS WEBSITE:**

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

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

1 **Article – Public Utilities**

2 2–101.

3 (a) There is a Public Service Commission.

4 2–108.

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

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

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

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

11 **OR**

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

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

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

21 **(3) THE COMMISSION SHALL MAINTAIN ON ITS WEBSITE:**

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

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

29 **Article – Transportation**

30 4–201.

1 There is a Maryland Transportation Authority.

2 4-211.

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

4 (1) EACH OPEN MEETING AGENDA:

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

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

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

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

15 (I) THE HEADQUARTERS OF THE AUTHORITY; OR

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.