

SENATE BILL 363

P1

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CF HB 421

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**

Introduced and read first time: January 24, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2020

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
13 maintain certain meeting minutes and recordings on their websites for a certain
14 number of years after certain meetings; requiring the Maryland Stadium Authority,
15 under certain circumstances, to make publicly available live audio streaming of each
16 portion of a certain meeting; altering the requirements regarding minutes of and the
17 posting of information regarding meetings of the State Board of Elections; making
18 conforming and technical changes; and generally relating to open meetings of State
19 agencies.

20 BY repealing and reenacting, without amendments,
21 Article – Economic Development
22 Section 10–402(a) and 10–604(a)

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.



- 1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2019 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article – Economic Development
5 Section 10–407(a) and 10–607(a)
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2019 Supplement)
- 8 BY adding to
9 Article – Economic Development
10 Section 10–407(f)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2019 Supplement)
- 13 BY repealing and reenacting, without amendments,
14 Article – Election Law
15 Section 2–101(a)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2019 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 2–102(d)
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2019 Supplement)
- 23 BY repealing and reenacting, without amendments,
24 Article – Public Safety
25 Section 1–305(a)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – Public Safety
30 Section 1–305(e)
31 Annotated Code of Maryland
32 (2018 Replacement Volume and 2019 Supplement)
- 33 BY repealing and reenacting, without amendments,
34 Article – Public Utilities
35 Section 2–101(a)
36 Annotated Code of Maryland
37 (2010 Replacement Volume and 2019 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Public Utilities

1 Section 2–108(b)
 2 Annotated Code of Maryland
 3 (2010 Replacement Volume and 2019 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article – Transportation
 6 Section 4–201
 7 Annotated Code of Maryland
 8 (2015 Replacement Volume and 2019 Supplement)

9 BY adding to
 10 Article – Transportation
 11 Section 4–211
 12 Annotated Code of Maryland
 13 (2015 Replacement Volume and 2019 Supplement)

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

16 **Article – Economic Development**

17 10–402.

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

19 10–407.

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

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

24 (2) §§ 3–301 and 3–303 of the General Provisions Article].

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

26 **(2) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE ON ITS**
 27 **WEBSITE:**

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

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

30 **OR**

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

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

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

10 **(3) THE CORPORATION SHALL MAINTAIN ON ITS WEBSITE:**

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

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

18 10-604.

19 (a) There is a Maryland Stadium Authority.

20 10-607.

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

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

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

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

26 **OR**

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

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

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

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

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

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

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

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

24 Article – Election Law

25 2–101.

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

27 2–102.

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

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

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

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

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

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

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

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

10 OR

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

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

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

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

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

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

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

1 1-305.

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

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

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

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

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

8 **OR**

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

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

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

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

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

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

25 **Article – Public Utilities**

26 2-101.

27 (a) There is a Public Service Commission.

28 2-108.

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

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

5 (I) EACH OPEN MEETING AGENDA:

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

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

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

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

17 (3) THE COMMISSION SHALL MAINTAIN ON ITS WEBSITE:

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

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

25 Article – Transportation

26 4–201.

27 There is a Maryland Transportation Authority.

28 4–211.

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

30 (1) EACH OPEN MEETING AGENDA:

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.