

# SENATE BILL 35

P1, G2

(PRE-FILED)

3lr0592  
CF HB 58

---

By: **Senator Kagan**

Requested: October 20, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – State Ethics Commission**  
3 **(Maryland State Agency Transparency Act of 2023)**

4 FOR the purpose of establishing enhanced requirements under the Open Meetings Act for  
5 the State Ethics Commission; and generally relating to the Open Meetings Act.

6 BY repealing and reenacting, without amendments,  
7 Article – General Provisions  
8 Section 3–101(a) and (h)(1)  
9 Annotated Code of Maryland  
10 (2019 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – General Provisions  
13 Section 3–307  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Chapter 346 of the Acts of the General Assembly of 2022  
18 Section 2

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

21 **Article – General Provisions**

22 3–101.

23 (a) In this title the following words have the meanings indicated.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (h) (1) “Public body” means an entity that:
- 2 (i) consists of at least two individuals; and
- 3 (ii) is created by:
- 4 1. the Maryland Constitution;
- 5 2. a State statute;
- 6 3. a county or municipal charter;
- 7 4. a memorandum of understanding or a master agreement  
8 to which a majority of the county boards of education and the State Department of  
9 Education are signatories;
- 10 5. an ordinance;
- 11 6. a rule, resolution, or bylaw;
- 12 7. an executive order of the Governor; or
- 13 8. an executive order of the chief executive authority of a  
14 political subdivision of the State.

15 3–307.

- 16 (a) This section applies only to the following public bodies:
- 17 (1) the Board of Directors of the Bainbridge Development Corporation;
- 18 (2) the Canal Place Preservation and Development Authority;
- 19 (3) the Maryland 9–1–1 Board;
- 20 (4) the Board of Directors of the Maryland Agricultural and  
21 Resource–Based Industry Corporation;
- 22 (5) the Board of Directors of the Maryland Clean Energy Center;
- 23 (6) the Board of Directors of the Maryland Economic Development  
24 Corporation;
- 25 (7) the Board of Directors of the Maryland Environmental Service;
- 26 (8) the Maryland Food Center Authority;

- 1 (9) the Maryland Health and Higher Educational Facilities Authority;
- 2 (10) the Maryland Industrial Development Financing Authority;
- 3 (11) the Maryland Stadium Authority;
- 4 (12) the Maryland Transportation Authority;
- 5 (13) the Northeast Maryland Waste Disposal Authority;
- 6 (14) the Public Service Commission;
- 7 (15) the State Board of Elections;
- 8 (16) the Maryland Technology Development Corporation; [and]
- 9 (17) the Historic St. Mary's City Commission; **AND**
- 10 **(18) THE STATE ETHICS COMMISSION.**

11 (b) A public body specified in subsection (a) of this section shall make publicly  
12 available on its website:

13 (1) each open meeting agenda, together with a summary of any finalized  
14 documents, written testimony from the public, and other materials that the public body  
15 will vote on at the open meeting:

16 (i) at least 48 hours in advance of each meeting; or

17 (ii) if the meeting is being held due to an emergency, a natural  
18 disaster, or any other unanticipated situation, as far in advance of the meeting as  
19 practicable;

20 (2) meeting minutes from the portions of a meeting that were held in open  
21 session, not more than 2 business days after the minutes are approved; and

22 (3) subject to subsections (f) and (g) of this section, live video streaming of  
23 each portion of a meeting that is held in open session.

24 (c) To the extent practicable, each open meeting agenda shall indicate:

25 (1) whether the public body intends to adjourn the open session to a closed  
26 session; and

27 (2) if applicable, the expected time at which the public body intends to  
28 adjourn the open session to a closed session.

1 (d) (1) The public body shall approve meeting minutes in a timely manner.

2 (2) Each open meeting agenda shall include consideration of the meeting  
3 minutes from the most recent meeting.

4 (3) The requirement under paragraph (2) of this subsection does not apply  
5 to the agenda of an emergency meeting of a public body if consideration of the meeting  
6 minutes from the most recent meeting is not practicable because of the need to hold an  
7 emergency meeting.

8 (e) The public body shall maintain on its website:

9 (1) meeting minutes made available under subsection (b) of this section for  
10 a minimum of 5 years after the date of the meeting; and

11 (2) except as provided in subsections (f) and (g) of this section, a complete  
12 and unedited archived video recording of each open meeting for which live video streaming  
13 was made available under subsection (b) of this section for a minimum of 1 year after the  
14 date of the meeting.

15 (f) (1) This subsection applies only to the Maryland Stadium Authority.

16 (2) If the Maryland Stadium Authority meets by telephone conference, the  
17 Authority shall:

18 (i) make publicly available on its website live audio streaming of  
19 each portion of the meeting that is held in open session; and

20 (ii) maintain on its website a complete and unedited archived audio  
21 recording of each meeting for which live audio streaming was made available for a  
22 minimum of 1 year after the date of the meeting.

23 (g) (1) This subsection applies only to the Maryland Transportation Authority.

24 (2) The Maryland Transportation Authority is required to provide live  
25 video streaming of a meeting only if the meeting is held at:

26 (i) the headquarters of the Maryland Transportation Authority; or

27 (ii) a location where the Maryland Transportation Authority held at  
28 least 10 meetings during the immediately preceding calendar year.

29 (h) The Department of Information Technology shall provide the technical staff,  
30 support, and equipment necessary to livestream the open meetings of:

31 (1) the Maryland Transportation Authority; and

1                   (2)     the State Board of Elections.

2           (i)     For purposes of this title, a project site visit or educational field tour may not  
3 be considered a meeting of a public body listed under subsection (a) of this section if no  
4 organizational business is conducted.

5           (j)     Nothing in this section may be construed to prevent a public body from  
6 altering the agenda of a meeting after the agenda has been made available to the public.

7           (k)     The requirements of this section are in addition to the other requirements of  
8 this subtitle.

9           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
10 as follows:

11   **Chapter 346 of the Acts of 2022**

12           SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
13 Assembly that the requirement for publication of documents, testimony from the public,  
14 and other materials in advance of an open meeting in accordance with § 3–307 of the  
15 General Provisions Article[, as enacted by Section 1 of this Act,] may not be construed to:

16                   (1)     limit the discussions and deliberations of the public body to matters  
17 referenced in the materials published prior to the meeting; or

18                   (2)     require the disclosure of documents or material that would be exempt  
19 from public inspection under Title 4 of the General Provisions Article.

20           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2023.