

SB0644/486884/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 644
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “State Government – Transparency and Open Government”; in line 11, after “year;” insert “providing that a public body need not prepare written minutes of an open meeting under certain circumstances; specifying that certain information shall be deemed the minutes of a certain session; clarifying provisions regarding the minutes of certain meetings of a public body; altering a provision that requires a public body to keep a copy of certain tape recordings;”; in line 12, after “Government” insert “and minutes of meetings of a public body”; and after line 17, insert:

“BY repealing and reenacting, with amendments,

Article – State Government

Section 10-509

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 5, after line 10, insert:

“10-509.

(a) This section does not:

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

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

(Over)

(b) (1) [As] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AS soon as practicable after a public body meets, it shall have written minutes of its session prepared.

(2) A PUBLIC BODY NEED NOT PREPARE WRITTEN MINUTES OF AN OPEN SESSION:

(i) IF LIVE AND ARCHIVED VIDEO OR AUDIO STREAMING OF THE OPEN SESSION IS AVAILABLE; OR

(ii) IF THE PUBLIC BODY VOTES AND THE INDIVIDUAL VOTES TAKEN BY EACH MEMBER OF THE PUBLIC BODY WHO PARTICIPATES IN THE VOTING ARE POSTED PROMPTLY ON THE INTERNET.

(3) THE INFORMATION SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE DEEMED THE MINUTES OF THE OPEN SESSION.

(c) (1) The WRITTEN minutes shall reflect:

(i) each item that the public body considered;

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

(iii) each vote that was recorded.

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

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

(ii) a record of the vote of each member as to closing the session;
(iii) a citation of the authority under this subtitle for closing the session; and

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

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

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

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

(i) for a meeting closed under § 10-508(a)(5) of this subtitle, when the public body invests the funds;

(ii) for a meeting closed under § 10-508(a)(6) of this subtitle, when the public securities being discussed have been marketed; or

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

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

(e) A public body shall keep a copy of the **WRITTEN** minutes of each session and any tape recording made under [subsection] **SUBSECTIONS (B)(2) OR (c)(3)(i)** of this section for at least 1 year after the date of the session.”.

AMENDMENT NO. 3

On page 5, in line 12, strike “October” and substitute “June”.