

Chapter 509

(House Bill 766)

AN ACT concerning

~~Joint Committee on Transparency and Open Government Act~~
State Government – Transparency and Open Government

FOR the purpose of establishing the Joint Committee on Transparency and Open Government; specifying the membership, chairs, and staff of the Committee; requiring the Committee to hold meetings under certain circumstances; authorizing the Committee to hold certain hearings and to consider certain votes and resolutions; specifying the purposes of the Committee; requiring the Committee to make certain recommendations, review certain laws, programs, services, and policies, consult with certain State entities, and perform certain other duties; requiring the Committee to submit a certain report to the General Assembly on or before a certain date each year; 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; and generally relating to the Joint Committee on Transparency and Open Government and minutes of meetings of a public body.

BY adding to

Article – State Government
 Section 2–10A–14
 Annotated Code of Maryland
 (2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 10–509
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Preamble

WHEREAS, An open and transparent government is vital to encourage citizen participation and input; and

WHEREAS, The presiding officers of the Senate of Maryland and the House of Delegates implemented changes to the General Assembly Web site to increase

constituent access to government resources and actions by disclosing committee votes, granting free access to all areas to the General Assembly Web site, and posting video and audio streaming of committee hearings online; and

WHEREAS, It is in Maryland's best interest to continue to build on and improve citizen engagement in all aspects of our government; and

WHEREAS, Maryland's overall rankings on government transparency by prominent national organizations continues to lag behind other states; and

WHEREAS, Advocates have expressed a desire and need for a body that can accept and consider ideas related to transparency and open government year-round; and

WHEREAS, Other states have created special committees and work groups to develop transparency policies and use technology to improve transparency and have reported increases in both citizen engagement and budget savings as a result of those efforts; and

WHEREAS, Transparency Web sites developed in other states have been proven to save states millions of dollars through more efficient government operations, fewer manual information requests, more competitive contracting bids, and the prevention of waste and abuse of public funds due to enhanced public scrutiny; and

WHEREAS, Maryland needs a central legislative body that can consider various policies and proposals regarding government transparency; and

WHEREAS, A joint committee on transparency and open government can develop policies and advise the General Assembly on implementing those policies and improving transparency while working with existing entities, programs, and resources; now, therefore,

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

Article – State Government

2-10A-14.

(A) THERE IS A JOINT COMMITTEE ON TRANSPARENCY AND OPEN GOVERNMENT.

(B) (1) THE COMMITTEE CONSISTS OF 12 MEMBERS.

(2) OF THE 12 MEMBERS:

(I) 6 SHALL BE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) 6 SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

(C) FROM AMONG THE MEMBERSHIP OF THE COMMITTEE, THE PRESIDENT OF THE SENATE SHALL APPOINT A SENATOR TO SERVE AS THE SENATE CHAIR OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE SHALL APPOINT A DELEGATE TO SERVE AS THE HOUSE CHAIR OF THE COMMITTEE.

(D) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

(E) THE PURPOSES OF THE COMMITTEE ARE TO:

(1) PROVIDE CONTINUING LEGISLATIVE OVERSIGHT REGARDING TRANSPARENCY AND OPEN GOVERNMENT; AND

(2) MAKE RECOMMENDATIONS REGARDING INITIATIVES THAT WILL INCREASE CITIZEN ACCESS TO GOVERNMENT RESOURCES, PUBLICATIONS, AND ACTIONS.

(F) THE COMMITTEE SHALL HOLD:

(1) AN ORGANIZATIONAL MEETING PROMPTLY AFTER THE APPOINTMENT OF ITS MEMBERS; AND

(2) ANY OTHER MEETINGS THAT THE COMMITTEE CONSIDERS NECESSARY TO CARRY OUT ITS DUTIES EFFICIENTLY.

(G) THE COMMITTEE MAY:

(1) HOLD A HEARING ON ANY MATTER RELATING TO THE FUNCTIONS OF THE COMMITTEE; AND

(2) CONSIDER A VOTE ON A BILL OR RESOLUTION REFERRED TO IT BY THE PRESIDENT OR THE SPEAKER.

(H) THE COMMITTEE SHALL:

(1) IDENTIFY AREAS IN WHICH THE STATE CAN IMPROVE ITS TECHNOLOGY AND WEB SITES TO INCREASE TRANSPARENCY AND CITIZEN ENGAGEMENT;

(2) MAKE RECOMMENDATIONS REGARDING STATE TRANSPARENCY GOALS AND POLICIES;

(3) CONSULT WITH STATE ENTITIES THAT FOSTER TRANSPARENCY, INCLUDING THE GOVERNOR'S STATE OFFICE:

(I) WHEN DEVELOPING STATE TRANSPARENCY GOALS AND POLICIES; AND

(II) TO IDENTIFY METHODS OF COORDINATING TRANSPARENCY POLICIES ACROSS STATE GOVERNMENT;

(4) REVIEW STATE LAWS, PROGRAMS, SERVICES, AND POLICIES AND MAKE RECOMMENDATIONS TO ALIGN THEM WITH STATE TRANSPARENCY POLICIES AND GOALS;

(5) DETERMINE WHETHER THERE ARE INTERDEPARTMENTAL GAPS, INCONSISTENCIES, AND INEFFICIENCIES IN THE IMPLEMENTATION OR ATTAINMENT OF STATE TRANSPARENCY POLICIES AND GOALS;

(6) IDENTIFY LAWS, PROGRAMS, SERVICES, OR BUDGETARY PRIORITIES THAT NEED TO BE ADOPTED TO ENSURE AND PROMOTE TRANSPARENCY AND OPEN GOVERNMENT IN THE STATE;

(7) SURVEY TRANSPARENCY INITIATIVES IN OTHER STATES THAT HAVE PROVEN EFFECTIVE AT SAVING PUBLIC FUNDS AND RESOURCES AND ASSESS WHETHER THOSE POLICIES SHOULD BE MODIFIED AND ADOPTED FOR USE BY THE STATE;

(8) SERVE AS AN INFORMATIONAL RESOURCE AND LIAISON FOR ADVOCATES AND CITIZENS WITH IDEAS AND SUGGESTIONS FOR TOOLS AND PRACTICAL IMPLEMENTATION OF INITIATIVES THAT WILL INCREASE TRANSPARENCY;

(9) REVIEW AND MAKE RECOMMENDATIONS REGARDING ACTIONS SUGGESTED BY ADVOCATES AND CITIZENS TO INCREASE CITIZEN ACCESS TO GOVERNMENT RESOURCES, PUBLICATIONS, AND ACTIONS;

(10) RECOMMEND METHODS OF INCREASING PUBLIC AWARENESS OF GOVERNMENT RESOURCES, PUBLICATIONS, AND WEB SITES; AND

(11) PERFORM ANY OTHER ACTIVITY THAT IS REQUIRED TO FULFILL THE PURPOSES OF THE COMMITTEE.

(I) (1) SUBJECT TO § 2-1246 OF THIS TITLE, THE COMMITTEE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1 EACH YEAR.

(2) THE REPORT SHALL INCLUDE:

(I) A DESCRIPTION OF THE WORK OF THE COMMITTEE; AND

(II) ANY RECOMMENDATIONS OF THE COMMITTEE.

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.

(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 ON LEGISLATION 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2011.

Approved by the Governor, May 19, 2011.