

Chapter 330

(House Bill 984)

AN ACT concerning

Open Meetings Act – Retention of Minutes and Recordings – Revision

FOR the purpose of increasing the number of years after the date of an open session a public body is required to keep a copy of certain minutes of the open session and any recording made under certain provisions of law; requiring certain public bodies to post online certain minutes or recordings, to the extent practicable; altering a certain requirement relating to the preparation of minutes; making certain stylistic and conforming changes; and generally relating to the retention of minutes and tape recordings under the Open Meetings Act.

BY repealing and reenacting, with amendments,
 Article – General Provisions
 Section 3–206(b)(2)(iii) and (3) and 3–306(b) through (e)
 Annotated Code of Maryland
 (2014 Volume and 2015 Supplement)

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

Article – General Provisions

3–206.

(b) (2) On request of the Board, the public body shall include with its written response to the complaint a copy of:

(iii) the [written] minutes and any [tape] recording made by the public body under § 3–306 of this title.

(3) The Board shall maintain the confidentiality of the [written] minutes and any [tape] recording submitted by a public body that are sealed in accordance with § 3–306(c)(3)(ii) of this title.

3–306.

(b) (1) 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 if:

(i) live and archived video or audio streaming of the open session is available; or

(ii) 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 § 3–305 of 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 § 3–305(b)(5) of this subtitle, when the public body invests the funds;

(ii) for a meeting closed under § 3–305(b)(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) **(1)** A public body shall keep a copy of the [written] minutes of each session and any [tape] recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at least [1 year] **5 YEARS** after the date of the session.

(2) TO THE EXTENT PRACTICABLE, A PUBLIC BODY SHALL POST ONLINE THE MINUTES OR RECORDINGS REQUIRED TO BE KEPT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.