

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 163

(Senator Elfreth, *et al.*)

Education, Health, and Environmental Affairs

Economic Matters

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Anne Arundel County - Alcoholic Beverages - Board Meetings

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This bill requires the Anne Arundel County Board of License Commissioners to (1) publish a meeting agenda no later than one week before the hearing; (2) make each open meeting available to the public with live video and audio streaming; (3) publish the minutes of each open meeting, as specified, no later than one month after the meeting; and (4) archive and store recordings of each open meeting and records of the minutes of each opening meeting, as specified.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential significant increase in Anne Arundel County expenditures due to the bill's video and audio streaming and archiving requirements. Revenues are not affected.  
**This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:**

*Open Meetings Act*

Under Maryland's Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in locations reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including,

when appropriate, whether any portion of a meeting will be in closed session. A “public body” is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

### *Agendas*

Generally, a public body must make an agenda available to the public prior to meeting in an open session. The agenda must include known items of business or topics to be discussed at the meeting and indicate whether the public body expects to close any portion of the meeting in accordance with State law. The public body is not required to include in the agenda information pertaining to a closed portion of the meeting. If a public body is unable to comply with specified deadlines for the release of a meeting agenda because the meeting is scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body must make available, on request, an agenda of the meeting within a reasonable time after the meeting occurs.

### *Minutes*

As soon as practicable after an open session, a public body must prepare minutes of the meeting. The minutes must reflect each item that the public body considered, the action it took on each item, and each vote that was recorded. If a public body meets in closed session, the minutes for a public body’s next open session must include a summary that includes specified information about the proceedings of the closed meeting. A public body need not prepare written minutes of an open session if (1) live and archived video or audio streaming of the open session is available or (2) if the public body votes on legislation and the individual votes taken by each participating member of the public body are promptly posted on the Internet.

With limited exceptions, minutes of a public body must be available for public inspection during normal business hours. A public body must retain a copy of the minutes of each session and any specified recording for at least five years and, to the extent practicable, post them online.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 285 (Anne Arundel County Delegation) - Economic Matters.

**Information Source(s):** Anne Arundel County; Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2020  
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