

SENATE BILL 269

P1

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By: **Senator Kagan**

Introduced and read first time: January 17, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Application and Enhanced Requirements**
3 **(Maryland State Agency Transparency Act of 2022)**

4 FOR the purpose of repealing exemptions from the Open Meetings Act for certain
5 independent and regional development units; establishing enhanced requirements
6 under the Open Meetings Act for specified public bodies; and generally relating to
7 the Open Meetings Act.

8 BY repealing and reenacting, without amendments,

9 Article – Economic Development

10 Section 10–105(a), 10–504(a), 10–604(a), 10–806(a), and 11–402(a)

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Economic Development

15 Section 10–111(a), 10–508(b), 10–607(a), 10–814(a) and (b), and 11–408(a) and (b)

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Election Law

20 Section 2–101(a)

21 Annotated Code of Maryland

22 (2017 Replacement Volume and 2021 Supplement)

23 BY repealing

24 Article – Election Law

25 Section 2–102(d)

26 Annotated Code of Maryland

27 (2017 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, without amendments,
2 Article – General Provisions
3 Section 3–101(a), (d), and (h)(1), 3–204(a), and 3–501
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2021 Supplement)
- 6 BY adding to
7 Article – General Provisions
8 Section 3–307
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2021 Supplement)
- 11 BY repealing and reenacting, without amendments,
12 Article – Public Safety
13 Section 1–305(a)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2021 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 1–305(e)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2021 Supplement)
- 21 BY repealing and reenacting, without amendments,
22 Article – Public Utilities
23 Section 2–101(a)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2021 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Public Utilities
28 Section 2–108(b)
29 Annotated Code of Maryland
30 (2020 Replacement Volume and 2021 Supplement)
- 31 BY repealing and reenacting, without amendments,
32 Article – Transportation
33 Section 4–201
34 Annotated Code of Maryland
35 (2020 Replacement Volume and 2021 Supplement)
- 36 BY repealing
37 Article – Transportation
38 Section 4–211
39 Annotated Code of Maryland

1 (2020 Replacement Volume and 2021 Supplement)

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

4 **Article – Economic Development**

5 10–105.

6 (a) There is a Maryland Economic Development Corporation.

7 10–111.

8 (a) (1) Except as otherwise provided in this section, in exercising its powers,
9 the Corporation:

10 (i) may carry out its corporate purposes without the consent of any
11 State unit; and

12 (ii) is not subject to:

13 1. Title 12, Subtitles 1 through 3 of this article;

14 2. the following provisions of the Local Government Article:

15 A. Title 18, Subtitle 1 (Parking Authorities Act); and

16 B. Title 18, Subtitle 2 (Ocean City Convention Center);

17 3. the following provisions of the State Finance and
18 Procurement Article:

19 A. Title 2, Subtitles 2 (Gifts and Grants), 4 (Water and
20 Sewerage Systems), and 5 (Facilities for the Handicapped);

21 B. Title 3 (Budget and Management);

22 C. Title 4 (Department of General Services);

23 D. Title 5A (Division of Historical and Cultural Programs);

24 E. Title 6, Subtitle 1 (Studies and Estimates);

25 F. Title 7, Subtitles 1 (State Operating Budget), 2
26 (Disbursements and Expenditures), and 3 (Unspent Balances);

27 G. §§ 8–127, 8–128, and 8–129 (certain restrictions on State

1 general obligation bonds);

2 H. Title 8, Subtitle 1, Part V (State Revenue Anticipation
3 Notes);

4 I. Title 10 (Board of Public Works – Miscellaneous
5 Provisions); and

6 J. Division II (General Procurement Law);

7 4. the following provisions of the State Government Article:

8 A. Title 9, Subtitles 10 (State Archives and Artistic Property)
9 and 17 (Maryland State Employees Surety Bond Committee); and

10 B. Title 11 (Consolidated Procedures for Development
11 Permits); **AND**

12 5. Article 41 of the Code]; and

13 6. §§ 3–301 and 3–303 of the General Provisions Article
14 (certain open meetings provisions)].

15 (2) The Corporation is subject to:

16 (I) the Public Information Act; **AND**

17 (II) **THE OPEN MEETINGS ACT.**

18 10–504.

19 (a) There is a Maryland Agricultural and Resource–Based Industry Development
20 Corporation.

21 10–508.

22 (b) (1) The Corporation is subject to:

23 (I) the Public Information Act; **AND**

24 (II) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
25 **OPEN MEETINGS ACT.**

26 (2) [The Corporation is exempt from the Open Meetings Act.] **FOR**
27 **PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL**
28 **FIELD TOUR SHALL NOT BE CONSIDERED A MEETING OF THE BOARD IF NO**

1 **ORGANIZATIONAL BUSINESS IS CONDUCTED.**

2 10-604.

3 (a) There is a Maryland Stadium Authority.

4 10-607.

5 (a) [(1)] The Authority shall determine the times and places of its meetings.

6 [(2)] The Authority shall make publicly available on its website:

7 (i) each open meeting agenda:

8 1. at least 48 hours in advance of each meeting; or

9 2. if the meeting is being held due to an emergency, a natural
10 disaster, or any other unanticipated situation, as far in advance of the meeting as
11 practicable;

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

14 (iii) except as provided in paragraph (3) of this subsection, live video
15 streaming of each portion of a meeting that is held in open session.

16 (3) If the Authority meets by telephone conference, the Authority shall
17 make publicly available on its website live audio streaming of each portion of the meeting
18 that is held in open session.

19 (4) The Authority shall maintain on its website:

20 (i) meeting minutes made available under paragraph (2) of this
21 subsection for a minimum of 5 years after the date of the meeting;

22 (ii) a complete and unedited archived video recording of each open
23 meeting for which live video streaming was made available under paragraph (2) of this
24 subsection for a minimum of 1 year after the date of the meeting; and

25 (iii) a complete and unedited archived audio recording of each open
26 meeting for which live audio streaming was made available under paragraph (3) of this
27 subsection for a minimum of 1 year after the date of the meeting.]

28 10-806.

29 (a) There is a Maryland Clean Energy Center.

1 10–814.

2 (a) Except as provided in subsections (b), (c), and (e) of this section, the Center is
3 exempt from[:

4 (1) Title 10 and Division II of the State Finance and Procurement Article[;
5 and

6 (2) §§ 3–301 and 3–303 of the General Provisions Article].

7 (b) The Center is subject to:

8 (1) the Public Information Act; AND

9 (2) **THE OPEN MEETINGS ACT.**

10 11–402.

11 (a) There is a Bainbridge Development Corporation.

12 11–408.

13 (a) Except as otherwise provided in this section, in exercising its corporate
14 powers, the Corporation:

15 (1) may carry out its corporate purposes without obtaining the consent of
16 any other State unit; and

17 (2) is not subject to:

18 (i) [§§ 3–301 and 3–303 of the General Provisions Article (Open
19 Meetings);

20 (ii) Title 11 of the State Government Article (Consolidated
21 Procedures for Development Permits); and

22 [(iii)] (II) the following provisions of the State Finance and
23 Procurement Article:

24 1. Title 2, Subtitles 2 (Gifts and Grants), 4 (Facsimile
25 Signatures and Seals), and 5 (Facilities for Handicapped);

26 2. Title 3 (Budget and Management);

27 3. Title 4 (Department of General Services);

- 1 4. § 5A-304 (Maryland Historical Trust Property
2 Acquisition);
- 3 5. Title 6, Subtitle 1 (Revenues: Studies and Estimates);
- 4 6. Title 7, Subtitles 1 (State Operating Budget), 2
5 (Disbursements and Expenditures), and 3 (Unspent Balances);
- 6 7. Title 8, Subtitle 1 (General Obligation Debt);
- 7 8. Title 10 (Board of Public Works – Miscellaneous
8 Provisions); and
- 9 9. Division II (General Procurement Law).

10 (b) The Corporation is subject to:

- 11 **(1) the Public Information Act; AND**
- 12 **(2) THE OPEN MEETINGS ACT.**

13 **Article – Election Law**

14 2-101.

15 (a) There is a State Board of Elections consisting of five members.

16 2-102.

17 [(d) (1) The State Board shall make publicly available on its website:

18 (i) each open meeting agenda:

19 1. at least 48 hours in advance of each meeting; or

20 2. if the meeting is being held due to an emergency, a natural
21 disaster, or any other unanticipated situation, as far in advance of the meeting as
22 practicable;

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

25 (iii) live video streaming of each portion of a meeting that is held in
26 open session.

27 (2) The State Board shall maintain on its website:

1 (i) meeting minutes made available under paragraph (1)(ii) of this
2 subsection for a minimum of 5 years after the date of the meeting; and

3 (ii) a complete and unedited archived video recording of each open
4 meeting for which live video streaming was made available under paragraph (1)(iii) of this
5 subsection for a minimum of 1 year after the date of the meeting.

6 (3) The Department of Information Technology shall provide to the State
7 Board the technical staff, support, and equipment necessary to stream live video of the open
8 meetings of the State Board.]

9 Article – General Provisions

10 3–101.

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

12 (d) “Board” means the State Open Meetings Law Compliance Board.

13 (h) (1) “Public body” means an entity that:

14 (i) consists of at least two individuals; and

15 (ii) is created by:

16 1. the Maryland Constitution;

17 2. a State statute;

18 3. a county or municipal charter;

19 4. a memorandum of understanding or a master agreement
20 to which a majority of the county boards of education and the State Department of
21 Education are signatories;

22 5. an ordinance;

23 6. a rule, resolution, or bylaw;

24 7. an executive order of the Governor; or

25 8. an executive order of the chief executive authority of a
26 political subdivision of the State.

27 3–204.

28 (a) The Board shall:

1 (1) receive, review, and, subject to § 3–207 of this subtitle, resolve
2 complaints from any person alleging a violation of this title; and

3 (2) issue a written opinion as to whether a violation has occurred.

4 **3–307.**

5 (A) **THIS SECTION APPLIES ONLY TO THE FOLLOWING PUBLIC BODIES:**

6 (1) **THE BOARD OF DIRECTORS OF THE BAINBRIDGE DEVELOPMENT**
7 **CORPORATION;**

8 (2) **THE CANAL PLACE PRESERVATION AND DEVELOPMENT**
9 **AUTHORITY;**

10 (3) **THE MARYLAND 9–1–1 BOARD;**

11 (4) **THE BOARD OF DIRECTORS OF THE MARYLAND AGRICULTURAL**
12 **AND RESOURCE–BASED INDUSTRY CORPORATION;**

13 (5) **THE BOARD OF TRUSTEES OF THE MARYLAND AUTOMOBILE**
14 **INSURANCE FUND;**

15 (6) **THE BOARD OF DIRECTORS OF THE MARYLAND CLEAN ENERGY**
16 **CENTER;**

17 (7) **THE BOARD OF DIRECTORS OF THE MARYLAND ECONOMIC**
18 **DEVELOPMENT CORPORATION;**

19 (8) **THE BOARD OF DIRECTORS OF THE MARYLAND ENVIRONMENTAL**
20 **SERVICE;**

21 (9) **THE MARYLAND FOOD CENTER AUTHORITY;**

22 (10) **THE MARYLAND HEALTH AND HIGHER EDUCATIONAL**
23 **FACILITIES AUTHORITY;**

24 (11) **THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING**
25 **AUTHORITY;**

26 (12) **THE MARYLAND STADIUM AUTHORITY;**

27 (13) **THE MARYLAND TRANSPORTATION AUTHORITY;**

1 **(14) THE NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY;**

2 **(15) THE PUBLIC SERVICE COMMISSION; AND**

3 **(16) THE STATE BOARD OF ELECTIONS.**

4 **(B) A PUBLIC BODY SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL**
5 **MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:**

6 **(1) EACH OPEN MEETING AGENDA, TOGETHER WITH ANY**
7 **DOCUMENTS, TESTIMONY, MINUTES FROM PREVIOUS MEETINGS, AND OTHER**
8 **MATERIALS THAT WILL BE CONSIDERED AT THE OPEN MEETING:**

9 **(I) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR**

10 **(II) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A**
11 **NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN**
12 **ADVANCE OF THE MEETING AS PRACTICABLE;**

13 **(2) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT**
14 **WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE**
15 **MINUTES ARE APPROVED; AND**

16 **(3) SUBJECT TO SUBSECTIONS (F) AND (G) OF THIS SECTION, LIVE**
17 **VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN**
18 **SESSION.**

19 **(C) TO THE EXTENT PRACTICABLE, EACH OPEN MEETING AGENDA SHALL**
20 **INDICATE:**

21 **(1) WHETHER THE PUBLIC BODY INTENDS TO ADJOURN THE OPEN**
22 **SESSION TO A CLOSED SESSION; AND**

23 **(2) IF APPLICABLE, THE TIME AT WHICH THE PUBLIC BODY INTENDS**
24 **TO ADJOURN THE OPEN SESSION TO A CLOSED SESSION.**

25 **(D) (1) THE PUBLIC BODY SHALL APPROVE MEETING MINUTES IN A**
26 **TIMELY MANNER.**

27 **(2) EACH OPEN MEETING AGENDA SHALL INCLUDE CONSIDERATION**
28 **OF THE MEETING MINUTES FROM THE MOST RECENT MEETING.**

1 **(E) THE PUBLIC BODY SHALL MAINTAIN ON ITS WEBSITE:**

2 **(1) MEETING MINUTES MADE AVAILABLE UNDER SUBSECTION (B) OF**
3 **THIS SECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND**

4 **(2) EXCEPT AS PROVIDED IN SUBSECTIONS (F) AND (G) OF THIS**
5 **SECTION, A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN**
6 **MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER**
7 **SUBSECTION (B) OF THIS SECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF**
8 **THE MEETING.**

9 **(F) (1) THIS SUBSECTION APPLIES ONLY TO THE MARYLAND STADIUM**
10 **AUTHORITY.**

11 **(2) IF THE MARYLAND STADIUM AUTHORITY MEETS BY TELEPHONE**
12 **CONFERENCE, THE AUTHORITY SHALL:**

13 **(I) MAKE PUBLICLY AVAILABLE ON ITS WEBSITE LIVE AUDIO**
14 **STREAMING OF EACH PORTION OF THE MEETING THAT IS HELD IN OPEN SESSION;**
15 **AND**

16 **(II) MAINTAIN ON ITS WEBSITE A COMPLETE AND UNEDITED**
17 **ARCHIVED AUDIO RECORDING OF EACH MEETING FOR WHICH LIVE AUDIO**
18 **STREAMING WAS MADE AVAILABLE FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF**
19 **THE MEETING.**

20 **(G) (1) THIS SUBSECTION APPLIES ONLY TO THE MARYLAND**
21 **TRANSPORTATION AUTHORITY.**

22 **(2) THE MARYLAND TRANSPORTATION AUTHORITY IS REQUIRED TO**
23 **PROVIDE LIVE VIDEO STREAMING OF A MEETING ONLY IF THE MEETING IS HELD AT:**

24 **(I) THE HEADQUARTERS OF THE MARYLAND**
25 **TRANSPORTATION AUTHORITY; OR**

26 **(II) A LOCATION WHERE THE MARYLAND TRANSPORTATION**
27 **AUTHORITY HELD AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING**
28 **CALENDAR YEAR.**

29 **(H) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE**
30 **THE TECHNICAL STAFF, SUPPORT, AND EQUIPMENT NECESSARY TO LIVESTREAM**
31 **THE OPEN MEETINGS OF:**

1 (1) THE MARYLAND TRANSPORTATION AUTHORITY; AND

2 (2) THE STATE BOARD OF ELECTIONS.

3 (I) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO THE OTHER
4 REQUIREMENTS OF THIS SUBTITLE.

5 3–501.

6 This title may be cited as the Open Meetings Act.

7 **Article – Public Safety**

8 1–305.

9 (a) There is a Maryland 9–1–1 Board in the Maryland Department of Emergency
10 Management.

11 (e) [(1)] The Board shall meet as necessary, but at least once each quarter.

12 [(2)] The Board shall make publicly available on its website:

13 (i) each open meeting agenda:

14 1. at least 48 hours in advance of each meeting; or

15 2. if the meeting is being held due to an emergency, a natural
16 disaster, or any other unanticipated situation, as far in advance of the meeting as
17 practicable;

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

20 (iii) live video streaming of each portion of a meeting that is held in
21 open session.

22 (3) The Board shall maintain on its website:

23 (i) meeting minutes made available under paragraph (2) of this
24 subsection for a minimum of 5 years after the date of the meeting; and

25 (ii) a complete and unedited archived video recording of each open
26 meeting for which live video streaming was made available under paragraph (2) of this
27 subsection for a minimum of 1 year after the date of the meeting.]

28 **Article – Public Utilities**

1 2-101.

2 (a) There is a Public Service Commission.

3 2-108.

4 (b) [(1)] The Commission shall meet at the times and places in the State as the
5 Commission considers necessary.

6 [(2)] The Commission shall make publicly available on its website:

7 (i) each open meeting agenda:

8 1. at least 48 hours in advance of each meeting; or

9 2. if the meeting is being held due to an emergency, a natural
10 disaster, or any other unanticipated situation, as far in advance of the meeting as
11 practicable;

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

14 (iii) live video streaming of each portion of a meeting that is held in
15 open session.

16 (3) The Commission shall maintain on its website:

17 (i) meeting minutes made available under paragraph (2) of this
18 subsection for a minimum of 5 years after the date of the meeting; and

19 (ii) a complete and unedited archived video recording of each open
20 meeting for which live video streaming was made available under paragraph (2) of this
21 subsection for a minimum of 1 year after the date of the meeting.]

22 Article – Transportation

23 4-201.

24 There is a Maryland Transportation Authority.

25 [4-211.

26 (a) The Authority shall make publicly available on its website:

27 (1) Each open meeting agenda:

- 1 (i) At least 48 hours in advance of each meeting; or
- 2 (ii) If the meeting is being held due to an emergency, a natural
3 disaster, or any other unanticipated situation, as far in advance of the meeting as
4 practicable;
- 5 (2) Meeting minutes from the portions of a meeting that were held in open
6 session, not more than 2 business days after the minutes are approved;
- 7 (3) Live video streaming of each open meeting of the Authority that is held
8 at:
- 9 (i) The headquarters of the Authority; or
- 10 (ii) Any other location where the Authority held at least 10 meetings
11 during the immediately preceding calendar year; and
- 12 (4) A complete and unedited archived video recording of each open meeting
13 for which live video streaming was made available under item (3) of this subsection for a
14 minimum of 5 years after the date of the meeting.
- 15 (b) The Department of Information Technology shall provide to the Authority the
16 technical staff, support, and equipment necessary to livestream the open meetings of the
17 Authority.]

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2022.